

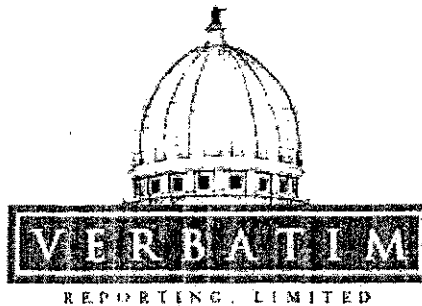
REDACTED VERSION

In The Matter Of:
Heather Nelson vs.
Santander Consumer USA, Inc., et al.

Deposition of RAYMOND NELSON
April 12, 2013

Verbatim Reporting, Limited

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REDACTED VERSION

Heather Nelson vs.
Santander Consumer USA, Inc., et al.

Deposition of RAYMOND NELSON
April 12, 2013

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF WISCONSIN

HEATHER NELSON,

Plaintiff,

-vs-

Case No. 11-CV-307

SANTANDER CONSUMER USA, INC.,
PATRICK K. WILLIS CO., INC.,
d/b/a AMERICAN RECOVERY SERVICE,
ASSETS BIZ CORP., d/b/a ABC RECOVERY,

Defendants.

Deposition of:

RAYMOND NELSON

Madison, Wisconsin
April 12, 2013

Reported by: Lynn Schultz, RPR

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1 DEPOSITION of RAYMOND NELSON, a witness of
2 lawful age, taken at the instance of the Defendants,
3 wherein Heather Nelson is the Plaintiff, and
4 Santander Consumer USA, Inc., et al., are the
5 Defendants, pending in the United States District
6 Court for the Western District of Wisconsin, pursuant
7 to subpoena, before Lynn Schultz, a Registered
8 Professional Reporter and Notary Public in and for
9 the State of Wisconsin, at the offices of Verbatim
10 Reporting, Limited, Two East Mifflin Street, Suite
11 102, City of Madison, County of Dane, and State of
12 Wisconsin, on the 12th day of April, 2013, commencing
13 at 9:56 in the forenoon.

A P P E A R A N C E S

14 MARY CATHERINE FONS, Attorney,
15 FONS LAW OFFICE,
16 500 South Page Street, Stoughton, Wisconsin
17 53589, appearing on behalf of the Plaintiff.
18 mfons@chorus.net 608-873-1270

19 IVAN HANNIBAL, Attorney,
20 CONSUMER RIGHTS LAW OFFICE,
21 5908 Running Deer Trail, McFarland, Wisconsin
22 53558, also appearing on behalf of the
23 Plaintiff.
24 consumerrightslawoffice@gmail.com 608-852-6702

25 ROBERT O'MEARA, Attorney,
26 REED SMITH, LLP,
27 10 South Wacker Drive, Chicago, Illinois
28 60606-7507, appearing on behalf of the
29 Defendants.
30 romeara@reedsmith.com 312-207-2441

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1 I N D E X
2 WITNESS
3 RAYMOND NELSON
4 Examination by Mr. O'Meara

Page(s)

4

E X H I B I T S

8 No. Description Identified
9 Exh 1 Monthly Verizon statement 32
10 Exh 2 Monthly Verizon statement 37

14 (Attached to the original transcript and copies
15 provided to Mr. O'Meara and Ms. Fons)

18 (Original transcript filed with Mr. O'Meara and a
19 copy provided to Ms. Fons)

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1 RAYMOND NELSON,
2 called as a witness, being first duly sworn,
3 testified on oath as follows:
4 EXAMINATION

5 By Mr. O'Meara:

6 Q. Good morning, Mr. Nelson. My name is Robert
7 O'Meara. I'm representing Santander. Will you
8 please state your full name for the record,
9 please?

10 A. Sure. Raymond E. Nelson.

11 Q. And have you ever been deposed before, Mr. Nelson?

12 A. No.

13 Q. Have you ever given testimony in any case before?

14 A. No.

15 Q. Your attorney's probably covered this with you,
16 but I'll briefly touch on some of the rules. I
17 need you to answer verbally, no nods of the head.
18 The court reporter needs to take everything down.
19 You understand that?

20 A. Yes.

21 Q. Let me finish a question so the court reporter can
22 record that before you answer. If you don't
23 understand a question, let me know. I'll restate
24 it. If you answer a question, I'll assume you
25 understood it. Do you understand that?

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1 A. Yes.
2 Q. And if you want to take a break for any reason,
3 just let us know, and we can take a break, okay?
4 A. Okay.
5 Q. Are you on any medication today that would impair
6 your ability to understand my questions or give
7 truthful answers?
8 A. No.
9 Q. Any other impairment that may affect your ability
10 to understand my questions or give truthful
11 answers?
12 A. No.
13 Q. Have you ever been a plaintiff in a lawsuit
14 before, Mr. Nelson?
15 A. No.
16 Q. Or a defendant in a lawsuit?
17 A. No.
18 Q. And you're represented today by counsel,
19 Mr. Hannibal and Ms. Fons?
20 A. Yes.
21 Q. What did you do to prepare for your deposition
22 today?
23 A. As far as just --
24 Q. Did you meet with anybody before your deposition?
25 A. Today?

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1 A. No.
2 Q. Did you talk to anybody about your deposition
3 other than Ms. Fons and Mr. Hannibal?
4 A. No.
5 Q. How old are you, Mr. Nelson?
6 A. Thirty-nine.
7 Q. And where do you live?
8 A. Sun Prairie, Wisconsin.
9 Q. Can you give me your address?
10 A. Sure.
11 Q. And how long have you lived there?
12 A. Approximately 11 years.
13 Q. And have you lived there continuously for those 11
14 years?
15 A. Yes.
16 Q. Are you married?
17 A. Yes.
18 Q. What's your wife's name?
19 A. Heather R. Nelson.
20 Q. And how long have you been married?
21 A. Going on 14 years.
22 Q. Do you have children?
23 A. Yes.
24 Q. How many children do you have?
25 A. Two.

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1 Q. At any point.
2 A. Yes.
3 Q. I'm not going to ask you to give me any
4 conversations, but who did you meet with?
5 A. The lawyer, my lawyers.
6 Q. Both lawyers?
7 A. Yes.
8 Q. Was that yesterday?
9 A. This morning and -- briefly this morning.
10 Q. And --
11 A. And then Wednesday.
12 Q. Did you review any documents during your
13 preparation?
14 A. Just one.
15 Q. Do you recall what it was?
16 A. Yes.
17 Q. And what was it?
18 A. Just a document that had a signature on it.
19 Q. Which document was that?
20 A. It was -- trying to remember what it said. The
21 document was the -- where my name was on the loan
22 or not.
23 Q. Was anyone else present when you met with
24 Mr. Hannibal and Ms. Fons to prepare for your
25 deposition?

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1 Q. And what are their ages?
2 A. Twelve and ten.
3 Q. Boys or girls?
4 A. Boy and girl.
5 Q. The twelve-year-old?
6 A. Girl.
7 Q. And what's her name?
8 A. --
9 Q. And your son's name?
10 A. --
11 Q. Did you graduate from high school, Mr. Nelson?
12 A. Yes.
13 Q. What year?
14 A. 1992.
15 Q. Any college after that?
16 A. No.
17 Q. Any vocational or technical training?
18 A. No.
19 Q. Do you have any other certifications or anything
20 else besides the high school diploma?
21 A. No.
22 Q. Can you briefly walk me through your employment
23 history following high school to the present?
24 A. Okay. After high school I worked for Munz
25 Corporation. That was for approximately two to

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1 three years.
2 Q. What did you do for them?
3 A. Maintenance and grounds. And after that I did
4 Spartan Bowl for about three years. I was the
5 manager of the building. Then after that I worked
6 for Motion Industries.
7 Q. Motion Industries, how long did you work for them?
8 A. I want to say two to three years and was laid off
9 with that position.
10 Q. What did you do for them?
11 A. Warehouse. And then Edison Liquor Corp. Worked
12 there for like five years.
13 Q. What was your job at Edison Liquor Corp?
14 A. Delivery driver for them. And then current to the
15 position now I work with -- I should give you the
16 new name -- McKesson Corp. That's medical supply.
17 Q. How long have you worked for them?
18 A. Will be six years this year and -- yeah, six
19 years.
20 Q. And what do you do for them?
21 A. Delivery.
22 Q. Deliver medical supplies?
23 A. Yes.
24 Q. To other corporations or industries or to
25 individuals?

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1 A. Yes.
2 Q. Do you know how long she's worked at Agrace
3 Hospice Care?
4 A. She took the position first of the year.
5 Q. Do you know where she worked before that?
6 A. Yes, Oakwood Village.
7 Q. What's Oakwood Village?
8 A. It's assisted living, you know, nursing center.
9 Q. Did she work as a nurse at Oakwood Village?
10 A. Yes.
11 Q. And how long was she there?
12 A. Give or take, a couple years. Not a hundred
13 percent sure.
14 Q. Do you know where she was employed before Oakwood
15 Village?
16 A. Yes, Care Wisconsin.
17 Q. And can you tell me what that is?
18 A. They have three different departments. Her
19 department was she was head of -- one of the heads
20 of the medication rooms where they get -- input
21 the prescriptions into the computer, and then
22 those get sent out to homes or people in assisted
23 living.
24 Q. Was she a nurse at the time that she was working
25 at Care Wisconsin?

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1 A. It's nursing homes.
2 Q. Do you use any of your own vehicles for that
3 delivery or is that --
4 A. No.
5 Q. -- something that's provided by the employer?
6 A. Use vehicles supplied by the employer.
7 Q. So you don't use any of your personal vehicles to
8 deliver products on their behalf?
9 A. No.
10 Q. Does your wife work?
11 A. Yes.
12 Q. And where does she work?
13 A. Agrace Hospice Care.
14 Q. Is that a hospital or nursing home?
15 A. No. It's hard for me to explain. It's
16 basically -- it's -- she goes to different places
17 for people that's a little more ill and stuff, so
18 she kind of has, like, her areas.
19 Q. So she visits patients in their homes --
20 A. Yeah.
21 Q. -- who are ill and --
22 A. Homes or --
23 Q. -- need care?
24 A. -- assisted living centers.
25 Q. Is your wife a nurse?

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1 A. Yes.
2 Q. But she didn't see patients. It was more of a
3 prescription-based job?
4 A. Right, yeah. She didn't see patients, but she was
5 making sure people would get care, to send people
6 out or medications.
7 Q. Does your wife use any of your personal
8 automobiles for her work now to travel -- strike
9 that.
10 You said that she works for Agrace Hospice
11 Care now and that she visits patients at different
12 places. Does she travel there using one of your
13 personal vehicles or does she have a work-provided
14 car or other means of getting there?
15 A. She uses our vehicle to go to different places.
16 Q. Did she have -- was it part of her job at Oakwood
17 Village to visit different locations or different
18 patients in different locations?
19 A. No. She stayed at that building.
20 Q. So she would just drive to work and stay there?
21 A. Correct.
22 Q. How about at Care Wisconsin?
23 A. The same, just drive to work.
24 Q. And work at that building?
25 A. Correct.

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1 Q. Do you know where your wife was employed? You
2 sort of gave me a general couple of years back.
3 Do you know where she was employed in 2010? Would
4 that have been Care Wisconsin or Oakwood Village?
5 A. I think it was more or less -- I think it was Care
6 Wisconsin. Pretty sure Care Wisconsin.
7 Q. Let's talk about your vehicles now. Do you own
8 any automobiles or trucks or vans, any vehicle?
9 A. Personally me or just both of us?
10 Q. Start with what's ever comfortable, and I'll parse
11 it out.
12 A. We both -- I don't own any personally.
13 Q. Okay. Well, what family vehicles do you have that
14 you and your wife use?
15 A. We have a 2005 Chrysler Town & Country.
16 Q. And that's a minivan?
17 A. Correct. And then we have a 2004 Dodge Ram
18 pickup.
19 Q. Anything else? Any other cars or trucks or vans
20 or vehicles?
21 A. No.
22 Q. So if I refer to the 2004 Ram as your truck, you
23 will know what I'm referring to? If later in the
24 deposition I ask you questions about your truck,
25 do you understand that I'm referring to your 2004

1 A. Not -- just where it is at now, I generally
2 don't --
3 Q. Well, let me ask it a -- maybe a better question.
4 Who makes the payments on any car loans, you or
5 your wife?
6 A. Heather does.
7 Q. Have you ever made any car payments?
8 A. Most part, no.
9 Q. What do you mean by the most part? Have you ever?
10 A. I just would give money sometimes, but I don't
11 know if it really went towards that.
12 Q. You'd give money to Heather?
13 A. Yes.
14 Q. So Heather would pay any payments on any car loan?
15 A. Correct.
16 Q. And that's for both the truck and the van?
17 A. Correct.
18 Q. Do you receive monthly statements? Do you know
19 whether or not you receive monthly statements to
20 your house regarding the car loans? I'm referring
21 to both.
22 A. Yes. I remember getting them, but I personally
23 don't open them.
24 Q. You don't open that mail?
25 A. No.

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1 Dodge Ram pickup truck?
2 A. Yes.
3 Q. And, similarly, if I just refer to the van, I'm
4 referring to the 2005 Town & Country minivan,
5 okay?
6 A. Yes.
7 Q. You mentioned you don't own any. Does that mean
8 that you didn't purchase these vehicles?
9 A. My name is just not on the titles.
10 Q. Is your name on the loans?
11 A. No.
12 Q. Whose name is on the loans?
13 A. Heather.
14 Q. And is there a loan for each of the cars? Each of
15 the cars were financed?
16 A. Yes.
17 Q. Who in your family typically uses which car?
18 A. Probably more or less she'll use the van. I'll
19 use the truck. Maybe she will 60 percent, but, I
20 mean, it varies sometimes.
21 Q. Now, you mentioned you weren't on the loan. Is
22 there a reason you weren't on the loan?
23 A. Not really.
24 Q. What's the current status of those loans, if you
25 know?

1 Q. Okay. Do you know if Heather's -- well, do you
2 know if you're still currently receiving loan
3 statements, monthly loan statements?
4 A. No, we're not.
5 Q. Do you know when they stopped arriving?
6 A. When? Approximate date, no, but more or less when
7 all this came.
8 Q. When the lawsuit --
9 A. When the lawsuit came forth, yes.
10 Q. So you haven't -- to your knowledge, you haven't
11 received any monthly loan statements since then?
12 A. I know for a fact we haven't.
13 Q. You have not?
14 A. Yes.
15 Q. I presume most of them, although you tell me if
16 I'm wrong, that Heather probably hasn't been
17 giving payments on the loans since the lawsuit
18 started.
19 A. Correct.
20 Q. Before the statements stopped coming and before
21 Heather stopped making any payments, do you know
22 how she paid, made the loan payments?
23 A. Not really. I know a few times she has done money
24 orders and stuff like that.
25 Q. Do you know whether or not she would mail a check

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1 in?
2 A. Not really.
3 Q. "Not really" you don't know or "not really" you
4 don't think she --
5 A. I don't really know.
6 Q. Do you and Heather have a joint checking account?
7 A. No.
8 Q. Do you have your own checking account?
9 A. Yes.
10 Q. Does Heather have her own checking account?
11 A. I'm not sure if she has one.
12 Q. You're not sure if your wife has a separate
13 checking account from you?
14 A. No.
15 Q. So it's possible she paid loan payments when they
16 were being paid with a check, but you just
17 don't -- you don't -- you just don't know?
18 MR. HANNIBAL: Objection, form,
19 foundation. Go ahead and answer, Ray.
20 A. She could have but not a hundred percent sure of
21 how she made it.
22 Q. Does she ever share with you how she made the
23 payments?
24 A. Just like I said before, just I seen a few
25 different money order payments and stuff.

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1 A. She has no copy of mine. She has her own.
2 Q. So it's not like a joint debit card account.
3 These are separate banks?
4 A. Correct.
5 Q. Is your debit card through the same bank where you
6 have your checking account?
7 A. Mine?
8 Q. Yes.
9 A. Yes.
10 Q. What bank is that?
11 A. Bank of Sun Prairie.
12 Q. Do you know where her debit card is issued by?
13 A. No.
14 Q. Is it the same bank?
15 MR. HANNIBAL: Objection, form,
16 foundation. Go ahead and answer, Ray.
17 A. No.
18 Q. How do you know?
19 A. I just -- I just know that she doesn't have that
20 bank.
21 Q. But you don't know what bank she does?
22 A. Correct.
23 Q. You just know it's not Sun Prairie?
24 A. Right.
25 Q. Do you know whether or not you need to have a

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1 Q. When you get a money order, is this -- can you
2 explain to me what you mean by a money order?
3 A. Just go to a place and have a money order for a
4 loan amount, and then she would send it off and
5 make sure it would get signed.
6 Q. And by send it off, you mean mail it in?
7 A. Yes.
8 Q. Did she ever make any payments via credit card?
9 A. No.
10 Q. Do you and Heather have a credit card together at
11 all?
12 A. No.
13 Q. Do you have your own credit card?
14 A. No.
15 Q. Does she have her own credit card?
16 A. No.
17 Q. Do you have a debit card?
18 A. Yes.
19 Q. And that's through your bank and your checking
20 account?
21 A. Correct.
22 Q. Does Heather have a debit card?
23 A. Yes.
24 Q. Does she have a copy of your debit card or does
25 she have her own separate debit card?

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1 checking account in order to get a debit card?
2 A. Do I need a checking account to have a debit card?
3 Q. Yeah.
4 A. I would guess so.
5 Q. So you've never talked to your wife about her
6 debit card, correct?
7 A. Not really.
8 Q. Generally speaking, how do you and your wife
9 handle household bills? Who pays what?
10 A. She pays the bills.
11 Q. Does she pay all of the bills?
12 A. Yes.
13 Q. We've talked about car loans. Does that include a
14 home mortgage?
15 A. Yes.
16 Q. Utility bills, gas, electric, cable, that sort of
17 thing, she pays those as well?
18 MR. HANNIBAL: Objection, form,
19 foundation. Go ahead and answer, Ray.
20 A. Yes.
21 Q. Do you know how she pays any of these bills, in
22 what manner?
23 A. Just a few, like -- like gas and that I know
24 online.
25 Q. When you say "gas," you mean like natural gas? Is

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1 that what you're referring to?
2 A. Yeah. Like some of those kind of type bills I
3 know she has done online before.
4 Q. Have you ever paid any bills online before?
5 A. Me personally?
6 Q. Yeah.
7 A. No.
8 Q. Do you ever pay any of your own -- do you have any
9 of your own bills that Heather doesn't pay for
10 that you pay for yourself?
11 A. No.
12 Q. Have you ever paid a bill of any kind online?
13 A. No.
14 Q. Do you know what form of payment she uses when she
15 goes online to pay a bill?
16 A. My guess would be maybe debit card.
17 Q. Do you give Heather any money for your monthly
18 bills?
19 A. Once in a while I'll just give her money, but I
20 don't know exactly where it's going to.
21 Q. So she handles all of the financial bills and
22 payments in your house?
23 A. Yes.
24 Q. And how long has that been the case?
25 A. Pretty much since we've been married.

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1 Q. You're not aware of any?
2 A. Right.
3 Q. Do you have an e-mail address?
4 A. Yes.
5 Q. But you don't receive any bills at that e-mail?
6 A. No.
7 Q. Does Heather have an e-mail address?
8 A. Yes.
9 Q. Do you guys share log-in information such that she
10 can get into your e-mail or you can get into her
11 e-mail?
12 A. No.
13 Q. So you don't know whether or not she receives any
14 bills electronically to her e-mail address?
15 A. Correct.
16 Q. Do you own a cell phone, Mr. Nelson?
17 A. Yes.
18 Q. And what's your cell phone number?
19 A. [REDACTED]
20 Q. And does your wife have a cell phone?
21 A. Yes.
22 Q. What's her number?
23 A. [REDACTED]
24 Q. Do you own any other cell phones?
25 A. No.

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1 Q. Are there any bills that you handle on your own?
2 A. No.
3 Q. Does your mail come to your home address at
4 A. My mail?
5 Q. Your mail.
6 A. Yes, yes.
7 Q. So you get monthly bills, utility bills, gas
8 bills, or cable bills, any kind of utility bills
9 to your house at [REDACTED]
10 A. Yes.
11 Q. Do you ever open or review any of the bills?
12 A. Very rare.
13 Q. On what occasion would you open or review a bill?
14 A. Once in a while just open up, see how much it is,
15 put it in a pile, and she takes care of it.
16 Q. Does she discuss with you what bills she's paying
17 and when?
18 A. Sometimes.
19 Q. But there's no monthly meeting to discuss --
20 A. No.
21 Q. -- bills and payments and whatnot?
22 A. No.
23 Q. Do any of your bills come electronically via
24 e-mail instead of via paper copy to your home?
25 A. I'm not sure.

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1 Q. Are you responsible for any other cell phones?
2 A. As far as work, stuff like that?
3 Q. What I'm getting at is do you have an account with
4 any other cell phones or are you responsible for
5 the payment of any other cell phones?
6 A. My kids have one.
7 Q. And do you know their cell phone numbers? Do each
8 of your children have a cell phone?
9 A. Yes.
10 Q. Do you know the number?
11 A. Not off the top of my head. It's in my phone.
12 Q. Does the number [REDACTED] sound familiar?
13 A. Yes.
14 Q. Is that one of your children's cell phones?
15 A. Yeah.
16 Q. Do you know if it's Autumn's or Austin's?
17 A. I want to say that's my daughter's. I'm bad with
18 numbers, remembering them.
19 Q. What about [REDACTED] do you recognize that
20 number?
21 A. What was it again?
22 Q. [REDACTED]
23 A. I think -- I'm not hundred percent. I think
24 that's my boy's.
25 Q. What do you use your cell phone for?

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1 A. Personal use.
2 Q. Is it required for work at all?
3 A. No.
4 Q. Have you ever used it for work?
5 A. No.
6 Q. What does Heather use her cell phone for?
7 A. Personal.
8 Q. And that's not -- she doesn't need that phone as
9 part of work?
10 A. No.
11 Q. Have you ever used your wife's cell phone?
12 A. No.
13 Q. Has she ever used yours?
14 A. No.
15 Q. Who's your cell phone carrier?
16 A. Verizon.
17 Q. And how long has Verizon been your cell phone
18 carrier?
19 A. I want to say 2008, 2007.
20 Q. Did you open that Verizon account?
21 A. Yes. My wife and I were both there when we opened
22 it.
23 Q. Do you know whose name the account's in?
24 A. Whose -- excuse me?
25 Q. Whose name is on the account?

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1 that you've incurred charges for excess minutes?
2 A. No.
3 Q. No, you don't know or no, you don't think --
4 A. No, no.
5 Q. -- you've gone over?
6 A. Haven't went over.
7 Q. Haven't gone over the allotted minutes?
8 A. Correct.
9 Q. Who gets the cell phone bill, the Verizon bill?
10 A. Pretty much Heather opens it up pretty much.
11 Q. Is that a bill that you know comes to your home?
12 A. Yes.
13 Q. And does that come to your home monthly?
14 A. Yes.
15 Q. Is your name on that bill?
16 A. Yes.
17 Q. Is Heather's name on the bill?
18 A. No.
19 Q. Do you typically open the Verizon bill?
20 A. Once in a blue moon I'll open it up and look at
21 it.
22 Q. And you open it up just for curiosity because
23 you're not --
24 A. Just look at the amount. That's about as far as I
25 go.

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1 A. Mine.
2 Q. We're talking about your Verizon cell phone
3 account. Are all four of those numbers on that
4 same account?
5 A. Yes.
6 Q. And the account's in your name?
7 A. Yes.
8 Q. Do you know what sort of cell phone calling plan
9 you have on Verizon?
10 A. That I -- Heather's the one that does that.
11 There's different plans, and she makes sure that
12 we have recorded one for us.
13 Q. So other than opening up the account, you're not
14 involved in managing the account. Is that what
15 you're saying?
16 A. Correct.
17 Q. So you don't know what the monthly minutes are,
18 what the plan minutes are?
19 A. Not really.
20 Q. Do you know if you've ever gone over minutes?
21 A. As far as have we gone over minutes talking about
22 the plans or --
23 Q. Uh-huh.
24 A. -- like over-over?
25 Q. Have you ever exceeded your cell phone plan such

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1 Q. We discussed bills generally but not the Verizon
2 bill specifically. Does Heather take care of the
3 payment on the Verizon bill as well?
4 A. Yes.
5 Q. Do you know how she pays the Verizon bill?
6 A. Not a hundred percent.
7 Q. Do you know whether or not she issues a check to
8 Verizon?
9 A. No.
10 Q. No, you don't know or no, she doesn't?
11 A. Don't know how.
12 Q. Do you give her money for the Verizon bill?
13 A. No.
14 Q. She just asks you for money sometimes if she -- I
15 don't know -- strike that. Does she sometimes ask
16 you to give her money for monthly bills?
17 A. Not specifically for that. She just asks, "Can I
18 have a little bit of this," whatever, depending on
19 amount, and that's about it.
20 Q. She doesn't specifically identify what she needs
21 the money for. She just may approach you and say,
22 "Hey, I'm paying bills. I need \$400" --
23 hypothetically -- "Can you give me \$400 this
24 month?"
25 A. Correct.

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<p>1 Q. Does she ever talk to you about your financial 2 situation, whether it's monthly bills, whether 3 they're behind or due or anything else like that? 4 MR. HANNIBAL: Objection, form, 5 foundation. You can go ahead and answer, 6 Ray. 7 A. General, no. 8 Q. Can you recall any specific instances that she's 9 done that? 10 A. No. 11 Q. Have you ever paid the Verizon bill ever? 12 A. Never. 13 Q. Are either you or your wife reimbursed for your 14 cell phone bill at all? 15 A. No. 16 Q. Never have been? 17 MR. HANNIBAL: Objection, asked and 18 answered. Go ahead and answer. 19 A. No. 20 Q. Do you have a landline at all, Mr. Nelson, at your 21 home? 22 A. No. 23 Q. So you and your wife just use your cell phones. 24 There's no home telephone line? 25 A. Correct.</p>		<p>1 your work purposes? 2 A. Correct. 3 Q. If you give out your cell phone number to friends 4 or family, do you represent it as your home phone 5 number? 6 A. Just phone. 7 Q. So you don't -- 8 A. Don't generalize it as, you know, this. 9 Q. You don't say, "Here's my home phone" or "Here's 10 my cell phone." You just say, "Here's my number"? 11 A. Correct. 12 Q. Do you know how Heather refers to her telephone 13 number when she gives it out to people? 14 A. Can't say. I'm not there. I don't -- 15 Q. Have you ever heard Heather represent her cell 16 phone number as her home phone to somebody? 17 A. Don't recall. 18 Q. I only brought a couple of examples. 19 (Exhibit Nos. 1 and 2 are marked 20 for identification) 21 Q. Will you take a look at what's been marked as 22 Raymond Nelson Exhibit No. 1 and let me know if 23 you recognize that? 24 MR. HANNIBAL: You want him to look 25 at the whole thing?</p>	
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<p>1 Q. And how long has that been the case? 2 A. Gosh, few years, three years. I'm guessing. I'm 3 not a hundred percent. 4 Q. So you used to have a home landline? 5 A. Long -- awhile ago. I'm not exactly sure when we 6 got rid of it. 7 Q. Is there anything that would refresh your 8 recollection as to when you may have gotten rid of 9 your home telephone line? 10 MR. HANNIBAL: Objection, form, 11 foundation. Go ahead and answer, Ray. 12 A. No. 13 Q. Couple years ago is about the best you can recall? 14 A. Yeah, few years back, yeah. 15 Q. And why did you get rid of the landline? 16 A. Just felt like we didn't need it with the coverage 17 with cell phones now. 18 Q. So if you give out your telephone number to 19 anyone, are you giving out your cell phone number? 20 A. Just if I give it out, it's to friends, stuff like 21 that. 22 Q. Or work as the case may be. I presume work has 23 your cell phone number. 24 A. They have, but I have a company phone. 25 Q. You also have a company phone issued by them for</p>		<p>1 MR. O'MEARA: As much as he's 2 comfortable looking through. 3 A. I just recall just these pages that we pretty much 4 get sent to us. 5 Q. Using the numbers -- use the numbers at the bottom 6 and let me know. 7 A. That one? (Indicating) 8 Q. Yeah. 9 A. The 0679, 0680 -- 10 Q. Say through which number. 11 A. Oh, okay. Through 0683. These -- we don't get 12 these. 13 Q. Just to be clear, you're referring to the first 14 five pages of Exhibit 1. You recognize those as 15 being part of the monthly bills that come to your 16 home, but -- 17 A. Yeah. 18 Q. -- the detailed calling records beyond that you 19 don't recall as being included in your regular 20 monthly Verizon bills; is that right? 21 A. Yeah. There are four pages with the blank. Yes, 22 those are the ones I recall or seen before. 23 Q. So you recognize this as Verizon's monthly bill to 24 you for cell phones, for your cell phones, 25 correct?</p>	

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1 A. Correct.
2 Q. And with the caveat that you've explained that you
3 don't get the detailed calling records that show
4 the numbers called and the times called, is this
5 the type of bill that is received by you monthly
6 from Verizon?
7 MR. HANNIBAL: Objection, form,
8 foundation. Go ahead and answer, Ray.
9 A. Yes. They just give you these kind of sheets in
10 the mail.
11 Q. If you turn to the second -- or, excuse me, to the
12 third page, which is Bates stamped 0681, under the
13 breakdown of charges, there's four telephone
14 numbers listed.
15 Is the first telephone number, that's
16 your cell phone number?
17 MR. HANNIBAL: Objection, asked and
18 answered. Go ahead and answer, Ray.
19 A. is mine.
20 Q. And the second one, think we said that was
21 your daughter's number?
22 A. My son's.
23 Q. Oh, that's your son's. Heather's cell
24 phone?
25 MR. HANNIBAL: Objection, asked and

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1 it shows a previous balance of \$611 and payments
2 of 455, leaving a balance of 156. Do you see
3 that?
4 A. Yes.
5 Q. Was it your wife's typical practice not to pay the
6 cell phone bill in full?
7 A. I don't know.
8 Q. Did you ever discuss with her her making partial
9 payments or paying less than the balance due on
10 the Verizon cell phone bill?
11 A. No.
12 Q. Did you ever discuss with her paying less than the
13 full balance due on any of your monthly bills?
14 A. As far as any just the cell phone in --
15 Q. Not cell phone. Any.
16 A. Have I had any discussions? No.
17 Q. So she's never told you, "I don't have enough
18 money to pay X, Y, Z bill, so I'm only going to
19 make a partial payment"?
20 MR. HANNIBAL: Objection, form,
21 foundation. Go ahead and answer, Ray.
22 A. No.
23 Q. Mr. Nelson, since you don't pay the bills, and it
24 sounds like you don't discuss the bills being paid
25 with Heather, would you have any way of knowing if

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1 answered. Go ahead and answer, Ray.
2 A. Correct.
3 Q. And the last one is your daughter's cell phone
4 presumably, correct?
5 A. Correct.
6 Q. What's the number below that, the one that is
7
8 A. I think that is a tablet, you know, the tablets,
9 because they have to have -- for them they have to
10 have, like, a number.
11 Q. Like an iPad or Kindle?
12 A. Yes. It's a tablet, like the iPads. They have to
13 have a general number, you know, for them.
14 Q. Like a data plan so that they are able to connect?
15 A. Yeah, I think so. Yeah, that's how they work
16 that.
17 Q. Who has a tablet in your family?
18 A. I got it for Heather.
19 Q. Mr. Nelson, you said you typically don't receive
20 the detailed calling records that show incoming
21 and outgoing calls.
22 Have you ever received that detail with any
23 of your monthly bills from Verizon?
24 A. No.
25 Q. If you look on the first page, quick bill summary,

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1 any of your home bills, whether they be mortgage,
2 cell phone, utilities, would be either overdue or
3 unpaid?
4 A. Eventually, probably.
5 Q. And why do you say that?
6 A. Just, I mean, if they -- depends how far it goes,
7 you know.
8 Q. So if it goes into collection and somebody calls
9 you, you might hear about it?
10 A. Possibly, yeah.
11 Q. But on a monthly basis, if a bill was partially
12 paid or wasn't paid for a month, that's not
13 necessarily something you would know about?
14 A. Generally, no.
15 Q. Heather wouldn't discuss that with you?
16 A. Not really.
17 Q. "Not really" --
18 A. No.
19 Q. -- meaning no or "not really" meaning sometimes?
20 A. No.
21 Q. Let me show you what's been marked as Exhibit No.
22 2. Do you recognize that, Mr. Nelson?
23 MR. HANNIBAL: Do you want him to
24 look at the whole exhibit?
25 MR. O'MEARA: Sure.

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1 A. Just pages 0941 through 0945.
2 Q. And what do you recognize that as?
3 A. Monthly statement.
4 Q. And this is consistent with the type of monthly
5 statement you receive every month from Verizon?
6 A. The form, the way they do it, yes.
7 Q. How come Heather's name isn't on the Verizon
8 account?
9 A. My name is on it, but she is authorized to use it,
10 to have access to any of it.
11 Q. But why didn't her name -- strike that. I think
12 you mentioned that she was with you when you
13 opened this account, correct?
14 A. Correct.
15 Q. Was there a reason why her name wasn't on the bill
16 as well as yours?
17 A. No, just -- no.
18 Q. Just a choice?
19 A. Yeah. I just -- you know, we just put it in mine.
20 Q. Okay. I think we're done with it. You can move
21 that to the side. Let's talk about the lawsuit a
22 little bit now. You're aware of a lawsuit filed
23 by your wife Heather. That's the reason we're
24 here today?
25 A. Yes.

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1 that what you're saying?
2 A. Yes.
3 Q. Do you know how they're aware of the lawsuit?
4 A. No.
5 Q. Have they had conversations with you about the
6 lawsuit?
7 A. No.
8 Q. How do you know they're aware of the lawsuit,
9 though?
10 A. Just being subpoenaed.
11 Q. Do you know what the lawsuit relates to?
12 A. Just what it's about?
13 Q. Yes.
14 A. Yeah.
15 Q. You do know what it's about?
16 A. Yes.
17 Q. Tell me in your own words what you understand it
18 to be about.
19 A. Just it's with the car loans, and really I don't
20 know all -- you know, the whole details about it.
21 Q. And I'm not asking you for all the details. I
22 just want to --
23 A. I just know it's with the car loan company
24 generally.
25 Q. And do you know what it relates to about the car

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1 Q. Have you seen a copy of the lawsuit that was
2 filed?
3 A. No.
4 Q. So you haven't seen a copy of the complaint?
5 A. No.
6 Q. You haven't read a copy of the complaint?
7 A. No.
8 Q. Have you talked to anybody about the lawsuit other
9 than your attorneys?
10 A. I don't recall saying anything.
11 Q. Friends? Family members?
12 A. No.
13 Q. No, you don't recall or --
14 A. No.
15 Q. -- no, you didn't talk about it with anybody?
16 A. I personally didn't say anything to anybody.
17 Q. Has anybody said anything to you about it?
18 A. Not that I recall. Somebody approached me with
19 it.
20 Q. No friends have asked you about the lawsuit?
21 A. Not that I -- no, no, not to my knowledge.
22 Q. Any family members ask about the lawsuit?
23 A. Personally they don't come and ask. Some -- I
24 mean, some have a whereabouts about it.
25 Q. Some family members are aware of a lawsuit. Is

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1 loan company?
2 A. Not really.
3 Q. Do you know that it relates to telephone calls
4 allegedly made by the car loan company to your
5 wife?
6 A. I just know a little bit about it. I mean, that's
7 about as far as -- I don't know that it's, like, a
8 small issue or a big issue.
9 Q. I understand that. I'm just trying to get an idea
10 before I ask you some other questions what the
11 basis -- what your base understanding is.
12 When you refer to the car loan company, who
13 are you referring to?
14 A. Santander.
15 Q. Is it your understanding that Santander holds the
16 loans for the truck and the van?
17 A. Yes.
18 Q. And you're not on those loans; are you?
19 A. No.
20 Q. Have you ever seen those loan documents?
21 A. Oh, the loan -- the first loan documents?
22 MR. HANNIBAL: Interpose an
23 objection, form, foundation. Go ahead and
24 answer, Ray.
25 A. Not a hundred percent.

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1 Q. Do you know how long Santander has been the car
2 loan company for your truck and van loans?
3 A. Not approximate sure how long, but I'm guessing
4 more than a few -- two, three years.
5 Q. You're not sure, but that's what you think?
6 A. Right.
7 Q. Okay. Back to the lawsuit, do you understand that
8 part of the lawsuit relates to calls allegedly
9 made by Santander to Heather, telephone calls?
10 A. Very little knowledge of it at the time, but now I
11 obviously know more about it.
12 Q. When you say "at the time," what are you referring
13 to, at the time it was filed?
14 A. No. Just I knew there was -- it could be part of
15 the -- the lawsuit.
16 Q. Do you have an understanding whether or not any
17 repossessions or attempted repossessions could be
18 a part of the lawsuit?
19 A. Yes.
20 Q. And what's your understanding regarding that?
21 A. Not -- I just know just it's part -- I mean, I
22 really don't know.
23 Q. Do you know if Santander ever telephoned your
24 wife?
25 A. Do I know that they called her phone?

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1 but towards the end, you know, middle, you know,
2 that they were supposedly saying for payment-wise.
3 Q. So at some point in time Heather told you that she
4 was being called by Santander related to payments?
5 A. Correct, and the only reason I know that is
6 because she had -- trying to gather proof of
7 payments.
8 Q. So was Santander -- do you know whether or not
9 Santander was calling because they claimed that
10 payments were late?
11 A. I couldn't say exactly why.
12 Q. Did she ever tell you?
13 A. No.
14 Q. So you knew Santander was calling Heather for
15 something related to payment. Did you know
16 whether it related to the truck or the loan -- or,
17 excuse me, the truck or the van?
18 A. I couldn't tell you either/or or what it was about
19 or which one.
20 Q. Did you know whether it was both?
21 A. No.
22 Q. Do you know how many calls Santander made to
23 Heather?
24 A. I couldn't -- I know it was quite a bit.
25 Q. Can you narrow that down?

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1 Q. Uh-huh.
2 A. Yes.
3 Q. Do you know when those calls started?
4 A. No, I do not know when they started.
5 Q. Do you know if those calls ever stopped?
6 A. When the lawsuit came about.
7 Q. So when the lawsuit was filed, the telephone calls
8 from Santander stopped --
9 A. Yes.
10 Q. -- to your wife?
11 A. Correct.
12 Q. And you don't have a present understanding about
13 when they began?
14 A. I don't know exact.
15 Q. Do you know approximate?
16 A. Year, date, you know, I don't know.
17 Q. Do you have an approximate idea?
18 A. No, I do not.
19 Q. Do you know what the calls from Santander to
20 Heather were about?
21 A. Not -- not a hundred -- not really, you know. I
22 personally -- I was -- I wasn't into that.
23 Q. So Heather never told you why Santander was
24 calling her?
25 A. Not -- not -- I guess more in the beginning, no,

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1 A. I can't give you a figure. I can't really
2 determine a figure.
3 Q. How do you know it was quite a bit?
4 A. Just because she's had a call list or a log she
5 made.
6 Q. So she maintained a call list of calls Santander
7 placed to her?
8 A. Yes.
9 Q. And did she show you a copy of that?
10 A. No.
11 Q. How did you see that?
12 A. Just her list of it with her writing them down.
13 Q. So you saw her while she was compiling the actual
14 list?
15 A. I just knew she was -- you know, if they would
16 have called, that she would write it down, date,
17 time.
18 Q. Did you observe her writing it down?
19 A. From a distance, yes.
20 Q. So is it something where she had a notepad where
21 she was keeping track of calls that came in?
22 A. Pretty sure she had a notepad, yes.
23 Q. And so you would see her writing down a call when
24 it came in?
25 A. Right.

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1 Q. Did she talk to you about her list?
2 A. No.
3 Q. Did she tell you that it was a list of Santander
4 calls?
5 A. She didn't tell me specifically who it was for
6 just because she wasn't supposed to share the
7 information really.
8 Q. And did she tell you why she wasn't supposed to
9 share the information?
10 A. Just lawyer.
11 Q. Mr. Nelson, if she didn't tell you what the list
12 was for, are you positive, as you sit here today,
13 that the list you saw her making related to calls
14 from Santander?
15 A. She never told me, but you could figure it out
16 what it was for.
17 Q. Can you tell me how you could figure that out?
18 A. Just -- just from the -- you know, she'd receive a
19 call, and -- and, you know, done with the
20 conversation, she'd -- you know, she'd write the
21 name and stuff and just make a comment that, you
22 know, loan company. That's pretty much as far
23 as --
24 Q. So she might make a stray comment, "Oh, it was
25 just the loan company," and then you'd see her

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1 Q. No voice mail messages?
2 A. No.
3 Q. So no calls from Santander. Did you ever call
4 Santander yourself?
5 A. No.
6 Q. Did you ever participate in any calls between
7 Heather and Santander?
8 A. I don't recall ever really.
9 Q. Did she ever give you the phone when Santander
10 called asking you to talk to them?
11 A. No.
12 Q. You were never on another line or conferenced in
13 with a conference call between Heather --
14 A. No.
15 Q. -- Santander and you?
16 A. No.
17 Q. So safe to say you've never had any conversations
18 with any representatives of Santander?
19 A. Right. No, I have not.
20 Q. Were you present when Heather was called by
21 Santander for any of these calls?
22 A. General area. It was in the house.
23 Q. So if she received a call in the house and you
24 were in the same room, that sort of thing?
25 A. Correct.

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1 reach for a pen?
2 A. Or -- right, or she would during the conversation
3 write the times, dates.
4 Q. Other than observing her writing down some notes
5 on a notepad, have you ever seen that notepad?
6 A. No.
7 Q. So you've never seen the list of calls she was
8 recording?
9 A. Like I said, she wasn't sharing that information.
10 Q. So other than quite a bit, do you have any other
11 approximation for how many calls Santander may
12 have made to Heather?
13 A. I can't give a straight figure. I really don't
14 know.
15 Q. Is there anything that would either refresh your
16 recollection or what would allow you to answer
17 that question?
18 A. No.
19 Q. Were you ever called by Santander?
20 A. I don't -- no. I don't believe so. I've never
21 spoke with anybody.
22 Q. Did you ever --
23 A. Not on my phone.
24 Q. And I'm talking about your phone.
25 A. Yeah. No, I haven't received a call.

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1 Q. Do you know where Heather also was when she
2 received the calls from Santander, generally
3 speaking? Was she at home? Was she at work? Do
4 you know where the majority of the calls were
5 placed?
6 MR. HANNIBAL: Objection, form,
7 foundation. Go ahead and answer, Ray.
8 A. Not really.
9 Q. Not really or no, you don't know?
10 A. I really don't know.
11 Q. Did you ever listen to any calls even if you
12 didn't participate in any with Heather? Did you
13 ever listen in to any?
14 A. Really didn't, you know, focus, listen-listen but,
15 I mean --
16 Q. Did she ever put any calls on speaker phone?
17 A. No.
18 Q. Did she ever play any -- well, strike that. Did
19 Santander ever leave her any messages, voice mail
20 messages, to your knowledge?
21 A. I believe so, maybe a few, if I recall.
22 Q. And why do you believe that to be the case?
23 A. Just because she's said she's had voice mails.
24 Q. So she may have mentioned to you that she had a
25 voice mail message from Santander?

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1 A. Just like general conversation, had a voice mail
2 from them.
3 Q. Did she ever tell you how many voice mails she had
4 from Santander?
5 A. No.
6 Q. Do you remember any specific conversations between
7 you and your wife regarding Santander voice mails
8 or just this general recollection that she's
9 mentioned it once or twice?
10 A. Just general.
11 Q. Did she say anything else about the voice mail
12 messages?
13 A. No.
14 Q. Did she tell you about the content of them?
15 A. No.
16 Q. Did she ever tell you about the content of any of
17 her telephone conversations, not voice mails at
18 this point, but conversations with Santander?
19 A. No, not really.
20 Q. "Not really" meaning no?
21 A. No.
22 Q. No?
23 A. No.
24 Q. So she never said, "I just got off the phone with
25 Santander, and they just said X, Y and Z to me"?

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1 A. Just got off the phone but never explained about
2 what, about what it was about.
3 Q. So there was never any discussion regarding the
4 details of the conversation?
5 A. Correct.
6 Q. So would it be fair to say then that not only did
7 you never speak with Santander, you don't have any
8 basis for -- you don't have any knowledge of what
9 Santander may or may not have said to Heather
10 during those telephone calls; is that right?
11 A. No, I don't.
12 Q. Yes, I'm correct, or no, you don't?
13 A. Oh, I don't have any knowledge of it.
14 Q. So you didn't hear what Santander said to Heather,
15 correct?
16 A. Correct.
17 Q. And Heather never told you any details of what
18 Santander may or may not have said to her on the
19 phone, correct?
20 A. Correct.
21 Q. Did you ever listen to Heather's side of any
22 telephone calls with Santander?
23 A. Far as just conversating with them?
24 Q. Yes.
25 A. Generally just I wasn't focused on it, into it.

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1 Just, I mean, background, you know, if I'm sitting
2 here in one room or living room watching TV or
3 something, you can obviously hear people on the
4 phone.
5 Q. But you wouldn't be paying attention to what's
6 being said?
7 A. No. I'm -- I'm -- I mean, I'm personally -- I
8 mean, I don't, you know, listen to her
9 conversations.
10 Q. So do you have any knowledge of what Heather may
11 have said to Santander during any of these
12 telephone conversations that you may have been
13 present for that she took?
14 A. No. I really don't know what she, you know,
15 simply said or, like I said, just general
16 background to what I was doing.
17 Q. Did you ever hear Heather verify her telephone
18 number during the call with Santander?
19 A. As far as verifying just --
20 Q. Did you ever hear her give Santander her telephone
21 number while she was on the call with them?
22 A. I've never heard her say that.
23 Q. Did you ever hear Heather give Santander
24 permission to call her on her cell phone during
25 any of these conversations?

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1 MR. HANNIBAL: Objection, form,
2 foundation. Go ahead and answer, Ray.
3 A. I know for a fact that she's never gave her
4 permission.
5 Q. And how do you know that for a fact?
6 A. She has had a written letter.
7 Q. But you never heard her -- you never heard her
8 side of the conversation with Santander on any of
9 these telephone calls, correct?
10 A. I couldn't tell you exactly.
11 Q. Right.
12 A. No, just be like having a TV on in the background.
13 Q. So you have basically no recollection of any
14 details of any such conversations between Heather
15 and Santander?
16 MR. HANNIBAL: Objection, form,
17 foundation. Go ahead and answer, Ray.
18 A. Correct.
19 Q. Did you and Heather discuss the calls that
20 Santander was placing to her?
21 A. Not really. The only thing, like I said, is that
22 she had a letter that said not wanting them to
23 call her cell phone.
24 Q. And how did you know that?
25 A. She -- I've seen -- she showed me and sent it off.

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1 Q. She showed you the letter before she sent it?
2 A. Yes, but, I mean, just -- I generally looked over
3 and then she saying, you know, she -- that she
4 wrote it up herself and then sent it off to
5 Santander.
6 Q. Do you remember when this was?
7 A. I can't give you an approximate date.
8 Q. And why did she ask you to take a look at the
9 letter?
10 A. Just -- I really don't know. Just showed -- I
11 don't know. Just showed me.
12 Q. Did you have any comments to the letter?
13 A. Not really.
14 Q. "Not really" meaning no?
15 A. No, not really, no.
16 Q. Did Heather tell you why the letter was necessary
17 or why she wanted to send the letter?
18 A. Just didn't want to -- to my knowledge --
19 Q. I'm asking if she told you.
20 A. Oh, she told me?
21 Q. Did she give you a reason why she was --
22 A. Just didn't want calls to her cell phone but --
23 MR. HANNIBAL: Go ahead, I was just
24 going to say something else.
25 A. Oh, no.

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1 you know, being with her for so many years, I
2 just -- I mean, I know her.
3 Q. Well, when we just talked about this a little
4 while ago, Mr. Nelson, you said you didn't really
5 pay attention to any of her calls with Santander.
6 So are you saying now that you did listen to
7 her telephone calls with Santander?
8 MR. HANNIBAL: Objection,
9 mischaracterizes testimony. Go ahead and
10 answer, Ray.
11 A. I never said I listened to them. I just knew she
12 was on the phone with them.
13 Q. How would you know she was on the phone with
14 Santander and not somebody else?
15 A. For one, she had her pad, so I know she was
16 writing down numbers or time or date, whatever.
17 She was writing down on it.
18 Q. Do you know if she recorded every single call
19 Santander made to her?
20 A. Recorded as far as writing?
21 Q. Writing on her pad.
22 A. I would -- I would think -- not -- I don't know
23 every one. I don't know. I can't say for sure.
24 Q. So you don't know if she wrote down every one or
25 only some of the calls?

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1 MR. HANNIBAL: Whenever you have
2 the time, I could use a bathroom break.
3 MR. O'MEARA: Sure. We can do one
4 right now.
5 (A short break is taken)
6 Q. Mr. Nelson, we were discussing conversations
7 between you and your wife regarding calls from
8 Santander.
9 Approximately how many times did you and your
10 wife discuss telephone calls from Santander that
11 were placed to her?
12 A. I can't put a finger on it, but I know numerous
13 times. But I just knew that it was Santander, but
14 I don't know what it was about.
15 Q. You don't know what the calls were about?
16 A. Right.
17 Q. So she would mention that Santander had called,
18 but, again, you weren't privy to the contents of
19 the conversations?
20 A. She would mention Santander, you know, numerous
21 times but not all the time, just -- and the reason
22 why I say that is just because some of the
23 conversations that she would get pretty upset
24 with.
25 I mean, I could just see it in her face, and,

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1 A. Right.
2 Q. Well, how did these calls affect Heather, if you
3 know?
4 MR. HANNIBAL: Objection, form,
5 foundation. Go ahead and answer, Ray.
6 A. Lots of different variances. I mean, like I said,
7 I didn't hear phone conversations.
8 Q. Did not?
9 A. I did not hear between her and Santander, but
10 there's numerous times that she would have tears
11 come down her face or -- and I had never
12 interjected on why it was going on and stuff.
13 And then -- and then I know she was just
14 upset because I could -- I just know, you know.
15 I've known her for so long. You can just read and
16 tell from someone, you know, that you know how
17 they're feeling.
18 Q. How many times did you see your wife in tears?
19 A. Numerous times.
20 Q. How many times?
21 A. I can't give a straight figure, just many times,
22 many numerous times. I mean, I can't say ten. I
23 can't say 300. I --
24 Q. You just don't know? Don't know?
25 A. Just don't know how many times, but I know it was

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1 numerous times because I didn't keep track.
2 Q. And how do you know that she was in tears because
3 of a telephone call with Santander and not
4 something else?
5 A. Like I said, I knew it was the loan company
6 Santander just because, you know, she was keeping
7 call logs because, you know, they, you know, were
8 calling quite a bit.
9 Q. When you saw her in tears, would you ask her what
10 was wrong?
11 A. I would ask her, but generally she wouldn't, you
12 know, come out because she tries to -- you know,
13 she doesn't want -- we have kids, and she
14 generally tries to keep the kids out of the adult
15 conversations and stuff like that so --
16 Q. So she didn't tell you what was wrong when you
17 saw --
18 A. No, not really. She really didn't go into detail.
19 She would just tell me that, you know -- you know,
20 just nonstop bugging her. That's about -- she
21 just was getting all these phone calls, and she
22 really didn't say exactly to me to point why they
23 were calling or this or that.
24 Q. Did you ever ask her why they were calling her?
25 A. Yeah.

1 A. Okay. Just -- it wasn't phone calls just itself.
2 She -- like I said, tears. She would -- she
3 didn't sleep a lot at night just because she's
4 fired up about -- upset about it, stuff like that.
5 And then as far as after the truck got repo'd
6 and we got it back, she's worried that these guys
7 would come back because she just felt they
8 wouldn't listen to her that she had everything in
9 order and stuff like that. So it put a strain on
10 her.
11 Q. Did she tell you it put a strain on her or is this
12 just what you observed?
13 A. One, I observed; and, two, she just said, "I can't
14 deal with it anymore."
15 Q. When did she say, "I can't deal with it anymore"?
16 A. I -- I couldn't tell you exact date.
17 Q. And what did she say about the strain she was
18 experiencing to you?
19 A. Just that she couldn't take it, you know, the
20 not -- she just -- basically just couldn't deal
21 with it no more.
22 Q. And what did you -- what did that mean? What did
23 you understand that to mean, "I can't deal with it
24 anymore"?
25 A. The way I would take it, just because they

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1 Q. And when did you ask her that?
2 A. The only reason why I asked her at that point is
3 after when the truck got repo'd.
4 Q. So the first time that you asked her why Santander
5 was calling her was around the time the truck got
6 repossessed?
7 A. That's when I really started, you know, because,
8 like I said, I really didn't know what was going
9 on; but then after that, I mean, I knew something
10 was really going on.
11 Q. Did you ever ask your wife why Santander was
12 calling her?
13 A. No, not -- no.
14 Q. So you mentioned you saw your wife in tears
15 several times following what you believed to be
16 phone calls from Santander.
17 Any other way the telephone calls affected
18 your wife?
19 MR. HANNIBAL: Objection, form,
20 foundation. Go ahead and answer.
21 A. Any other ways that affected her?
22 Q. Uh-huh.
23 A. Or us?
24 Q. I'm asking about her right now. We'll talk
25 about --

1 wouldn't believe her or listen to her.
2 Q. What wouldn't they believe her about or listen to
3 her about?
4 A. Just that she -- that she would -- that, you know,
5 supposedly they're -- you know, obviously when you
6 get repo'd and you're late, that they didn't
7 believe her that she had up-to-date --
8 Q. So she was upset that she claimed that she was up
9 to date on payments, and Santander claimed that
10 she wasn't at the time of the repo?
11 A. Correct.
12 Q. And did you and Heather talk about that?
13 A. After the repo.
14 Q. I'm going to get to the repo in a little bit. You
15 mentioned in addition to tears and a strain on
16 her, that she had trouble sleeping.
17 A. Yes.
18 Q. For how long?
19 A. Quite awhile.
20 Q. For a week? A month? What's quite awhile?
21 A. I can't really put -- I mean, for a long time. I
22 mean, a lot -- probably well over a month, I mean,
23 weeks to a month, maybe a little more. I mean,
24 I'm not --
25 Q. Does she still have trouble sleeping?

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1 A. No, not -- I wouldn't say she has a lot of trouble
2 sleeping, no.
3 Q. And when you say "trouble sleeping," does it mean
4 trouble falling asleep, getting up in the middle
5 of the night? What do you mean by "trouble
6 sleeping"?
7 A. Probably both.
8 Q. Did you talk to her about her trouble sleeping?
9 A. Very little.
10 Q. Do you remember any conversations with her about
11 it?
12 A. Not -- not to -- on exact point. It's just --
13 just -- you know, just I basically told her is
14 that you need -- I mean, "You have to sleep."
15 Q. Do you remember --
16 A. "It's not healthy." Sorry.
17 Q. No, I'm sorry for interrupting. Do you remember
18 when the time frame was when she had trouble
19 sleeping?
20 A. No. All -- I can't give you a specific date. I
21 just know, you know, the whole ordeal.
22 Q. And what do you mean by "the whole ordeal"?
23 A. The calls and where there's -- you know, her and
24 Santander going back and forth and then, you know,
25 obviously with that -- with the repo.

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1 Q. Any other way in which you observed Heather being
2 affected by these telephone calls other than what
3 you've mentioned?
4 A. Yeah. With her and I, yes.
5 Q. Okay. Tell me about that.
6 A. Well, it came down to a point where I personally
7 thought things were paying, because I travel a lot
8 for work. So when the repo come about, I
9 second-guessed her. That's when I really started
10 stepping in and going, "What's going on?"
11 You know, to me, my knowledge, you know, they
12 don't come for reasons -- that's to my knowledge,
13 but then there's many times where I didn't have
14 trust. I didn't trust her, and with this whole --
15 with this Santander and everything that -- I mean,
16 we just really didn't communicate a lot just
17 because she was upset with me because I didn't
18 trust her, you know, and it just came -- and when
19 we did start talking about it, it was arguments
20 after arguments.
21 And, I mean, then we'd have, like, an
22 argument, and we'd try to keep it at a minimum
23 just because we didn't want the kids involved.
24 They don't need to know what's going on. And
25 it -- I mean, we were just -- it came to points

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1 where, like I said, we were just arguing nonstop
2 about it, and, I mean, there was that point in
3 time that we just weren't communicating, getting
4 along, where to a point we almost -- I almost --
5 we almost had a break, I should say, but then we
6 didn't.
7 We decided we didn't agree on not to do that
8 just because of kids-wise. We didn't want to do
9 that, you know, out of the house for two weeks or
10 whatever, you know. But it did come to a point
11 where we were in separate sleeping quarters.
12 Q. You stated that you didn't -- at some point in
13 time you didn't trust her. What do you mean about
14 not trusting her?
15 A. When the truck got repo'd, to me, like I said, my
16 opinion tells me you weren't paying or something,
17 and so I was basically second-guessing her,
18 believing that she's making payments or stuff like
19 that.
20 Q. So she told you she made the payments, and she
21 wasn't late on the truck loan?
22 A. Correct.
23 Q. And you didn't believe her at that time?
24 A. No, no, I did not believe her.
25 Q. And why didn't you believe her?

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1 A. Just -- like I said, just my opinion is when
2 somebody comes, there's reasons for that, you
3 know.
4 Q. So what did you do after the repo occurred?
5 A. Far --
6 Q. Well, strike that. You said you didn't trust her
7 that the payment had been made. Did you think she
8 was lying to you?
9 A. Yeah.
10 Q. And the basis for that was the fact that a
11 repossession company had come out?
12 A. Yes.
13 Q. Did you ever ask your wife to show you copies of
14 the bills?
15 A. I never asked her personally.
16 Q. Did you ever ask her to show you copies of the
17 payments that had been made on the bills?
18 A. No, I did not. She brought them to me and showed
19 me; but like I said, I had a trust issue, and I
20 didn't really pay a hundred percent because, like
21 I said, I mean, we really weren't communicating
22 either. So it's like I just, like, whatever.
23 Q. So she brought you some paperwork to show you that
24 she had paid?
25 A. Right.

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1 Q. But you didn't review it?
2 A. Not at those times. Later down the road, you
3 know. Could have been a month or weeks, and, you
4 know, she would -- she showed me again. And then
5 I looked over some, not every single one, just the
6 ones that they were saying that she was behind,
7 you know, the month, whatever month it was.
8 I can't recall exactly what month it was.
9 She just said, "Here, I have proof here."
10 Q. Did you draw a conclusion about whether or not the
11 bills had been paid after you had looked at the
12 paperwork?
13 A. I still had doubt.
14 Q. So let me make sure I understand the time frame.
15 You first had doubt and didn't trust her around
16 the time that the truck was repossessed. Do you
17 remember when that was?
18 A. Trying to remember. I can't exact give -- I want
19 to say between '10-'12.
20 Q. Sometime --
21 A. I don't remember exactly. Just I know they were
22 there.
23 Q. So at the time of the repo, or around the time of
24 the repo, I should say, you started not trusting
25 your wife that she'd paid the bills on the truck

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1 A. I did not really.
2 Q. Did you tell Heather that you wanted to take over
3 making the loan payments?
4 A. I guess I said maybe I should start doing it.
5 Q. Did you say that to her?
6 A. That I should start, maybe I should start taking
7 these over. That's yes.
8 Q. You did say that?
9 A. Yeah.
10 Q. Do you remember when you said that?
11 A. Not exactly.
12 Q. What did she say in response?
13 A. Nothing really.
14 Q. She just ignored it?
15 A. Just rolled it off the shoulder.
16 Q. Did you at any point take over the payments?
17 A. No.
18 Q. Did you ever call Santander and try to determine
19 whether the payments were late or not late?
20 A. No, no.
21 Q. And you mentioned that you weren't communicating a
22 lot. Tell me how your communications with your
23 wife changed from what they were previously to not
24 communicating at all.
25 MR. HANNIBAL: Objection, form,

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1 loan?
2 A. More or less, yes. I mean, I had a little before
3 but more -- I mean, that confirmed it to me after
4 the repo.
5 Q. And then I think you also testified that she
6 brought you some paperwork to try to show you that
7 she was current on the loan, but you didn't review
8 it at that time, correct?
9 A. Correct.
10 Q. At what time period after that did you look at the
11 paperwork that your wife had presented to you?
12 A. It could have been a week, couple weeks, a month.
13 I don't -- you know, she was just trying to be
14 persistent to show me, but I was just not going to
15 pay attention, I mean, several times. But then,
16 you know, like I said, I can't give exact how long
17 after the first time.
18 Q. Once you did review what she was trying to show
19 you, did you believe her?
20 A. Like I said before, I still had my doubts.
21 Q. So you didn't believe her after you looked at the
22 paperwork?
23 A. Still had doubts.
24 Q. Did you do anything else to try to quiet those
25 doubts?

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1 foundation. Go ahead, Ray.
2 A. As far as how we were communicating before the
3 incident?
4 Q. Right.
5 A. Okay. We had general, you know, husband-wife
6 communications, how's the day, how was your
7 workday, you know, talk about kids and this.
8 Pretty much after the incident, basically it was
9 just asking about the kids.
10 That was -- we wouldn't ask how your day was,
11 how's this, how's that. It was just more or less
12 about the kids. That was it. Our communication
13 at this point was to almost zero.
14 Q. Were you arguing?
15 A. A lot.
16 Q. What's a lot, every day?
17 A. Couple times -- probably couple times a day.
18 Q. And what were you arguing about?
19 A. Arguing -- we were -- you know, doesn't matter who
20 started, but we were pretty much arguing about
21 loan being paid or not, this and that.
22 Q. So the arguments generally revolved around whether
23 or not the loan had been paid on time or whether
24 it was in default or outstanding still?
25 MR. HANNIBAL: Objection, form,

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1 foundation. Go ahead, Ray.
2 A. Yes.
3 Q. Why wouldn't you have just sorted out whether the
4 loan was outstanding or in default on your own
5 rather than argue about it all the time?
6 A. Just I -- one, it wasn't in my name, so, I mean, I
7 can only go with her. I can't personally get
8 information from Santander if I'm not on the loan.
9 Q. And how do you know that?
10 A. That's just general, I mean --
11 Q. But you didn't call and try.
12 A. No. That's just general knowledge.
13 Q. You mentioned you almost took a break. Do you
14 mean you guys almost separated?
15 A. Yes.
16 Q. And when was that?
17 A. Around like -- pretty much around after repo
18 sometime. Like I said, I can't recall exactly
19 what date.
20 Q. A month after the repo?
21 A. What's that?
22 Q. A month after the repo or three months after the
23 repo?
24 A. Few weeks to a month, you know, general time
25 frames, because it came to a point where we were

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1 Q. What was her response?
2 A. If that's the way I feel.
3 Q. And was there any other further follow-up
4 discussion on it?
5 A. As I stated before, we did have a little
6 conversation, that we both as adults agreed not to
7 do it just because of the kids. We didn't want to
8 put them through it.
9 Q. And you attribute this talk of separation to the
10 issues related to the repo; there was nothing else
11 going on at the time?
12 A. Correct.
13 Q. Were you guys behind on any other -- strike that.
14 Were you behind on any bills at the time of the
15 repossession?
16 A. I don't know.
17 Q. Were there any debt collectors calling you or your
18 wife around that time other than Santander?
19 A. I don't -- I don't believe so.
20 Q. Do you know or are you guessing?
21 A. I don't know.
22 Q. You mentioned separate sleeping quarters. When
23 did that happen?
24 A. Maybe a few weeks, three weeks after the incident
25 or the --

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1 just arguing every day, and it just wasn't -- it
2 was just getting old arguing.
3 Q. And the argument was only about the Santander
4 loan, truck loan?
5 A. Yes.
6 Q. Was it about the van loan?
7 A. Well, it was about the whole -- I shouldn't say
8 just the truck. It was just, I mean, we never
9 really got into either one specific. It was just
10 about the loans, Santander.
11 Q. Did you argue about anything else?
12 A. Not really, no, because we weren't really
13 communicating, just pretty much arguing.
14 Q. And did you separate?
15 A. No.
16 Q. Whose idea was it to maybe separate?
17 A. Mine.
18 Q. Did you have discussions with her about separating
19 or was that just something you were thinking about
20 doing?
21 A. Basically it came down to "Maybe we should take a
22 break." And that's about as -- that's how it come
23 out, just like that, you know.
24 Q. And you made that statement or did she?
25 A. I did.

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1 Q. The repo?
2 A. The repo, yeah.
3 Q. And how long did it last for?
4 A. I would say at least numerous -- numerous months,
5 probably I would say more than six months, seven
6 months, I mean, at the low end.
7 Q. And where did you sleep?
8 A. In one of our other rooms.
9 Q. How many bedrooms are in your house?
10 A. Three.
11 Q. Presumably the master bedroom?
12 A. Yeah. There's a master bedroom, kid's room, kid's
13 room. I basically slept in the living room.
14 Q. You just said you slept in one of the other
15 bedrooms.
16 A. No. I said room.
17 MR. HANNIBAL: Yeah.
18 Q. Oh, you slept in a room?
19 MR. HANNIBAL: I want to get the
20 objection, mischaracterizes testimony, in
21 there.
22 Q. So you slept in the living room.
23 A. Correct.
24 Q. On a couch? In the chair?
25 A. Couch.

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1 Q. Did your kids know that you were sleeping in the
2 living room?
3 A. Yes.
4 Q. What did you tell them?
5 A. Just we weren't getting along at the time, just
6 not getting along.
7 Q. Did you tell anyone, any friends or family, that
8 you weren't getting along with your wife at the
9 time?
10 A. I don't -- no, I don't -- I didn't -- I don't
11 recall saying anything to anybody.
12 Q. You didn't confide --
13 A. No.
14 Q. -- in a family member that you were thinking about
15 separating from your wife?
16 A. No.
17 Q. Do you know whether your wife told anybody that
18 there was talk of separation?
19 A. She told anybody?
20 Q. Uh-huh.
21 A. I -- I couldn't honestly answer that.
22 Q. Did anybody talk to you, any family -- I mean any
23 family member approach you and ask you how your
24 marriage was or such that it would indicate she
25 had talked to somebody else or told somebody else?

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1 A. No.
2 Q. Did you tell anybody that you were sleeping on the
3 couch in the living room?
4 A. No.
5 Q. Do you know whether she told anybody that?
6 A. I couldn't honestly answer that.
7 Q. You just don't know?
8 A. I don't know.
9 Q. Nobody approached you and said, "Hey, I heard
10 you're sleeping on the couch" or such that it
11 would indicate she told somebody else?
12 A. Right, correct.
13 Q. When did you stop sleeping on the couch?
14 A. I think shortly after the -- these guys, the
15 lawyer, one of the lawyers. I can't give an
16 approximate date.
17 Q. So sometime after the lawyers got involved do you
18 think you stopped?
19 A. Yeah, yes.
20 Q. Was there a reason -- what was the reason why you
21 stopped sleeping on the couch?
22 MR. HANNIBAL: I was going to
23 object, but I'm not going to.
24 A. My reason is -- personally my reason is because it
25 made me believe her when the lawyers took the case

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1 because my knowledge lawyers generally aren't
2 going to take a case if you're wrong.
3 MR. O'MEARA: Off the record.
4 (Discussion off the record)
5 Q. Anything else or any other way in which your
6 relationship with your wife was affected other
7 than what you've told me about today?
8 MR. HANNIBAL: Objection, form,
9 foundation. Go ahead and answer, Ray.
10 A. Far as I know is, like I said, between us, you
11 know, the crying and not sleeping and stuff, far
12 as, I mean, I just know she was -- she was really
13 stressed over the whole situation.
14 Q. How do you know that?
15 A. I just -- you know, being with her for so long,
16 you could see it in somebody's demeanor and, you
17 know, face and stuff. It just --
18 Q. And what did you understand her to be stressed
19 about?
20 A. Just stress over the Santander as far as, I mean,
21 the whole thing.
22 Q. I'm just trying to be clear. What do you mean by
23 "the whole thing"?
24 A. The phone calls, the repo, us arguing, you know,
25 not getting along, and I know -- and I know it

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1 stressed her because we weren't getting along, and
2 the kids had to go through, you know, and see
3 this.
4 Q. Did the kids know that you weren't getting along?
5 A. I'm sure they knew.
6 Q. What's your basis for being sure that they knew?
7 A. I mean, we formally didn't tell them, but they
8 just knew something wasn't right between Heather
9 and I.
10 Q. Did they say something to you that makes you
11 believe that they knew something wasn't right?
12 A. They just asked why I was -- I was sleeping in the
13 living room basically.
14 Q. And what did you tell them?
15 A. I just said that earlier, that just we weren't
16 getting along at the time.
17 Q. Anything else?
18 A. No.
19 Q. Was there anything else, any other way in which
20 Heather was affected or you and Heather were
21 affected by the phone calls or the repo?
22 A. At this time I don't recall anymore.
23 Q. Is there anything that would refresh your
24 recollection that would help you recall?
25 A. Possibly.

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1 Q. What might that be?
2 A. I really don't know. I mean --
3 Q. Do you have notes or --
4 A. Do I?
5 Q. Yeah.
6 A. No, I don't.
7 Q. Or e-mails regarding what was going on at the
8 time?
9 A. No.
10 Q. And you didn't discuss any of the problems in
11 getting along with your wife at this time with
12 anybody else?
13 A. No.
14 Q. Other than your children, no one else?
15 A. We both believe that family problems stay within
16 our general family.
17 Q. So no friends, no family members would know about
18 this?
19 A. Right, no, we really don't discuss our problems
20 with other ones.
21 Q. Were you and Heather having any money problems
22 around this time that you weren't getting along?
23 MR. HANNIBAL: Objection, form,
24 foundation. Go ahead and answer, Ray.
25 A. I don't believe so, no.

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1 And my daughter come to the window asking
2 what's going on and saying, "Why are they taking
3 the truck? Why are they taking the truck?" And
4 she had tears down her face, and basically we
5 stopped and told her "Just go back in your room.
6 We're handling this."
7 MR. HANNIBAL: Can we stop again?
8 We have to plug the meters. We're out at the
9 meters.
10 MR. O'MEARA: Yeah, sure. Take a
11 break.
12 (A short break is taken)
13 Q. Mr. Nelson, you were mentioning the repo and your
14 daughter's reaction to it. I'm going to come back
15 to the repossession here in just a little bit; but
16 just to close it out, anything else regarding how
17 these calls may have affected or the Santander
18 situation may have affected you and/or your wife?
19 MR. HANNIBAL: Objection, form,
20 foundation. Go ahead, Ray.
21 A. At this time there's -- I don't recall any more.
22 Q. And is there anything that would let you recall
23 more or refresh your memory?
24 A. I don't think so.
25 Q. Did Heather ever see a doctor as a result of the

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1 Q. How would you know if you don't handle the bills
2 or the payments?
3 A. That's what I said. I don't believe so.
4 Q. So you don't know?
5 A. Right.
6 Q. You could have. You wouldn't know one way or the
7 other.
8 A. Correct.
9 Q. Did Heather ever tell you that any other debt
10 collectors were calling or there were any other
11 unpaid bills or overdue bills?
12 MR. HANNIBAL: Objection, form,
13 foundation. Go ahead and answer, Ray.
14 A. No.
15 Q. Other than what you've already mentioned, did the
16 situation with Santander affect your children in
17 any other way?
18 MR. HANNIBAL: Objection, form,
19 foundation. Go ahead and answer, Ray.
20 A. The only thing I can recall is the day of the
21 repo, that we -- my wife -- sorry, my wife and I
22 went outside, and it was very, very early in the
23 morning. And I don't know approximate time, but I
24 know it was early because it was still dark,
25 somewhat dark, out.

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1 Santander situation?
2 MR. HANNIBAL: Objection, form,
3 foundation. Go ahead.
4 A. To my knowledge, no.
5 Q. And when I say "doctor," I mean a medical doctor.
6 How about a counselor, did she see a counselor at
7 all?
8 A. Like I said, to my knowledge, I -- I don't -- I
9 don't believe so.
10 Q. You would know if your wife sought medical
11 attention.
12 A. You would think so.
13 Q. Did you guys seek any marriage counseling?
14 A. No.
15 Q. I believe I've asked you this, but you didn't
16 confide in any friends or family for advice or to
17 lean on regarding the situation at that time?
18 MR. HANNIBAL: Objection, form,
19 foundation. Go ahead and answer, Ray.
20 A. No.
21 Q. And I'm talking about sort of the strain and the
22 upset that you had described affecting you and
23 your wife. And you don't know whether or not she
24 confided in anybody?
25 A. Right.

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1 Q. Do you know whether or not she took any
2 prescriptions or drugs during that time?
3 MR. HANNIBAL: Objection, form,
4 foundation. Go ahead and answer, Ray.
5 A. Pretty sure she didn't.
6 Q. And whether they'd be prescription or over the
7 counter, you don't think she took any drugs?
8 A. Pretty confident she didn't. She's not a big
9 medicine fan, person.
10 Q. So as far as you know, she didn't seek any medical
11 or mental health treatment during that time?
12 A. Correct.
13 Q. And when I say during this time, I'm referring to
14 the time period when the calls were coming from
15 Santander and/or the repos.
16 A. Correct.
17 Q. During this time that there was upset in your
18 marriage and/or that your wife was upset, was she
19 unable to care for your children?
20 A. Absolutely not.
21 Q. Was she able to get up and go to work every day?
22 A. Yes.
23 Q. I presume she was able to take care of herself
24 still and go about her daily tasks?
25 A. Yeah.

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1 Q. Did you seek any counseling?
2 A. No.
3 Q. No drugs? No prescriptions?
4 A. No.
5 Q. Did your wife either abuse or increase her use of
6 alcohol or food at that time?
7 A. Alcohol, definitely not; food, I don't --
8 Q. Do either you or your wife smoke?
9 A. No.
10 Q. And there was -- either you or your wife use
11 any -- well, strike that. Do you know whether
12 your wife ever called Santander herself?
13 A. Do not know.
14 Q. So you weren't present during any calls that she
15 initiated to Santander if she did?
16 A. Actually, one on the day of the repo. That
17 morning after the repo I knew she called.
18 Q. And were you there at the time she called or she
19 just told you she called?
20 A. I was in the area.
21 Q. What phone did she use to call Santander?
22 A. I can't honestly -- can't -- I honestly can't
23 remember what one she used. I know it wasn't
24 mine.
25 Q. I don't know if I asked you this before, and I

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1 apologize if I'm repeating myself, but during any
2 calls between Santander and Heather, did you
3 ever -- well, strike that.
4 Let's talk about the truck repossession that
5 you had mentioned a couple of times before. Do
6 you recall when that repossession took place?
7 A. I can't remember. I know the day, but I can't
8 remember if it was '11 or '10. And the only
9 reason why I remember this is because we were
10 scheduled to go out of town that Saturday morning.
11 We were making a little Memorial Day trip with the
12 kids.
13 Q. So this was Saturday over Memorial Day weekend.
14 Is that what you're --
15 A. Yeah, that was Memorial Day weekend, correct.
16 Q. You just don't remember what year it was?
17 A. Yeah, '10 or '11, yeah. I'm bad but --
18 Q. So tell me what you remember about the
19 repossession on that Saturday, Memorial Day
20 weekend.
21 A. All I remember is I was laying on the couch. I
22 get a tap on the forehead, "Come outside." I'm
23 just, like, dead asleep. I'm like, "What's going
24 on?" So it took me a little bit to comprehend,
25 and then I heard, you know, conversation by the

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1 living room window. So then I knew something was
2 up, obviously.
3 I didn't know what it was about until I went
4 outside, and, you know, they took the truck. And
5 I said they were -- I can't remember exactly what
6 time that it was either. I would say between
7 3 a.m. and 6, 3 to 7 a.m., probably in that time
8 frame that they were there.
9 All I know is, like I said, it was still
10 dusk, and we were -- like I said, we were going to
11 go out of town to Milwaukee to take the kids to
12 the zoo and the museum. And after that whole
13 incident, you know, they took the truck. Heather
14 was going to call, but then she stopped because --
15 or she realized, well, they're not going to be
16 open yet. And at that time is when they finally
17 opened, you know. She was calling, and I know she
18 was because I was there.
19 But then at that time my mother and my niece
20 were going -- was going to make the trip with us,
21 so then I kind of pulled myself away from that
22 conversation because they were at the door, and I
23 was letting them in.
24 Q. Who tapped you on the forehead and said, "Wake
25 up"?

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1 A. Heather. It had to have been Heather because the
2 kids were still sleeping.
3 Q. And you said you were lying on the couch. Why
4 were you -- did you fall asleep on the couch or --
5 A. No, that's because that's where I slept.
6 Q. So you were already separated at the time that the
7 repo occurred -- or, excuse me, strike that. You
8 were already sleeping on the couch due to the
9 disagreements with your wife at the time the repo
10 occurred?
11 A. I just -- at that point I -- I can't recall or I
12 want to say that I just -- my guess would -- at
13 that time I fell asleep I think on the couch
14 because the TV was still on so --
15 Q. You weren't sleeping on the couch at that point
16 because of problems with Heather related to the
17 Santander situation yet; were you?
18 A. I don't think so. More or less the problems came
19 after, you know, the repo time where we really got
20 into arguing.
21 Q. So what did Heather say when she tapped you on the
22 forehead and woke you on that Saturday?
23 A. I can't recall a hundred percent. Probably "Get
24 up" or "Come here."
25 Q. And then what? Did you both go outside?

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1 A. No. Like I said, she went outside, and it took a
2 few minutes to get the barrier, you know, figure
3 out what's going on.
4 Q. Were you observing from inside?
5 A. And then after, you know, coming out, I heard
6 conversation by the house, so I went outside
7 and -- you know, because I didn't know if it was
8 somebody by the house or -- but then at that
9 moment I knew it was Heather and a reposessor.
10 Q. Did she know what was going on? Did she know that
11 it was a reposessor at the time that she went
12 outside or --
13 A. I don't -- obviously I don't know a hundred
14 percent. My guess is if she got up and seen a
15 truck backing into our driveway, I would think
16 something is going on.
17 Q. That was going to be my next question is how was
18 she awoken; do you know? Did she tell you?
19 A. I know -- I mean, she -- she didn't sleep well
20 that night, and I know that, you know, she -- you
21 know, like I said, she heard something backing
22 into our driveway, you know, because a lot of the
23 trucks have those beepers while they're backing
24 up.
25 Q. And at some point did you go outside?

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1 A. After I heard the conversation, after I got my
2 thoughts, and, yes, I went outside.
3 Q. What did you hear of the conversation before you
4 went outside?
5 A. Just mouth, you know, like -- I couldn't -- I
6 couldn't hear word for word, just muffling, you
7 know, like I said, like closed doors; and, you
8 know, if a door's closed, you can't hear, but you
9 know somebody is right there because, you know,
10 the windows are slightly cracked.
11 But I knew somebody was by my house, but I
12 didn't know who. I didn't even know Heather was
13 outside until I was outside. Heather tapped me in
14 the head, and I'm dead asleep.
15 Q. Can you tell me about the conversation once you
16 went outside?
17 A. Just that he was there to pick the truck up, you
18 know, and she's like, "I want proof." You know, I
19 can't recall. That would be my guess, that she
20 wanted to see paperwork or proof or --
21 Q. Just to be clear, I'm not asking you to guess as
22 to what the conversation might have been. If you
23 don't recall, let me know that you don't recall.
24 A. I don't recall exactly the whole thing because --
25 Q. Understood.

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1 A. -- you know, I'm -- like I said, I just woke up
2 and -- but then, you know, just finally, you know,
3 I believe -- I think the -- I don't know who
4 called them or, I mean, Heather might have. I
5 know Sun Prairie Police Department was there and
6 stuff.
7 I don't know if the repossession called or
8 Heather did. I'm not a hundred percent sure
9 because there was so much going on.
10 Q. Well, what was going on? I'm just trying to get a
11 sense, and, you know, just tell me what you
12 remember.
13 A. Just the whole repo, the repossession and stuff,
14 so I don't know, you know -- you know, because at
15 that point anybody is going to say, you know,
16 "You're not taking it." They're going to say,
17 "Yes, you are."
18 Well, before it gets heated or escalated, you
19 know, not saying it did, that at that point, you
20 know, obviously she -- she would -- if she called
21 the cops, she would call because I wouldn't want
22 anybody to -- just showing up, you know. You
23 don't know.
24 Q. Well, did you have any direct conversation with
25 the repossession person outside?

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1 A. I just said, "Well," I said, "let me see the
2 paperwork." And at that time there was, like, an
3 officer there.
4 Q. So there was a police officer there by the time
5 you --
6 A. Right.
7 Q. -- came outside and engaged --
8 A. Well, I was already out there by the time I said,
9 "Let me see the paperwork." And then the officer
10 said it would be best if he grabbed it and brought
11 it to me. He goes, "That way it's -- that way
12 nothing gets" -- you know, kind of diffuses the
13 situation because --
14 Q. Before the police arrived, did you observe a
15 conversation between the repossession person and
16 your wife?
17 A. Just they were -- you know, they were just talking
18 back and forth as far as she's trying to figure
19 out why they're there, and he -- you know,
20 obviously he's there because he got an order for
21 repossession.
22 Q. Did he have an order for repossession?
23 A. He had paperwork. I mean, I don't -- like I said,
24 I don't know what they're supposed to look like.
25 I just know it said he was -- it was there for the

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1 truck.
2 Q. So --
3 A. And like I said, it was still kind of dark out,
4 so, I mean, with a little flashlight, I mean, you
5 couldn't really see a whole -- I didn't really
6 tune into it a whole hundred percent because, like
7 I said, with it going on, the repossession, just
8 everything was --
9 Q. Did you understand that he was repossessing the
10 car because the payments hadn't been made?
11 A. He just said he was repo'ing it. I don't
12 specifically recall for what.
13 Q. Do you know what agency or what company the
14 repossession people worked for?
15 A. I don't know. I can't remember the name of the
16 company, but I know it's one in Cottage Grove
17 because I went and picked it up.
18 Q. What was the demeanor of the repossession agent?
19 How did he act?
20 MR. HANNIBAL: Objection, form and
21 foundation. Go ahead, Ray.
22 A. He was fine at first, and then, you know, people
23 were going to go back and forth. And I know he
24 was raising his voice, and at one point I said
25 "shush" to both of them because the neighbors.

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1 And then I know at one point he was -- to me it
2 was very inappropriate to be, if I may, this close
3 to somebody's face. To me, I wouldn't especially
4 like that. (Demonstrating)
5 Q. And he was doing that to you?
6 A. No, to Heather.
7 Q. Were he and Heather arguing?
8 A. I'd say bickering back and forth.
9 MR. HANNIBAL: Can I just let the
10 record reflect that Ray came about
11 approximately six inches from my face to kind
12 of reflect the distance? Was that accurate
13 in your mind?
14 MR. O'MEARA: I don't have any
15 objection to that.
16 Q. So did he try to take the car before the police
17 got there -- excuse me, the truck? We're
18 referring to the truck.
19 A. What I recall is he had one of the flatbed trucks;
20 and before we knew what was going on, he had a
21 chain or wench or whatever would be probably
22 appropriate, you know, pulled out and hooked to
23 the truck.
24 Q. Was your truck -- I presume you have a driveway.
25 Was your truck in your driveway?

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1 A. Yes.
2 Q. And he had backed up into the driveway to hook the
3 back of the truck; is that it?
4 A. Yeah. He had backed into the driveway and had it
5 hooked to the front of the truck because I back my
6 truck in.
7 Q. Who called the police?
8 A. Like I said, I don't know which person did.
9 Q. You don't recall calling them yourself?
10 A. No, I personally didn't. I don't know if it was
11 the repossession people or Heather. I couldn't
12 personally tell you, but I know I didn't.
13 Q. At some point the police showed up?
14 A. Yes. One showed up, and then normally on a call
15 they usually have another one, and they'll show
16 up. Maybe a minute or a couple minutes later
17 another one arrived.
18 Q. And what did the police do?
19 A. Really nothing.
20 Q. Well, did they talk to the parties involved?
21 A. They just told us that we had to give it up.
22 Q. Did they look at any of the paperwork?
23 A. Not really.
24 Q. I thought you mentioned that --
25 A. He grabbed it and just went -- he grabbed the

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1 paperwork from the reposessor so I couldn't
2 personally get close to him and basically went
3 like this. He didn't personally look at it.
4 (Demonstrating)
5 Q. Did you review the paperwork?
6 A. I just scanned it quickly. Like I said, it was a
7 little darker out too, so, I mean, at that point I
8 can't argue because the police -- I mean, when a
9 police says anything, you can't get arguing with
10 them or they're going to get you for disorderly,
11 so at that point we just gave up.
12 Q. When you say you gave up --
13 A. Just gave it up, the truck up, and he did -- the
14 officer asked -- well, the reposessor asked for a
15 key because they don't want to damage a vehicle
16 obviously, and at that point I was like, "No, I
17 want to know why."
18 Well, then that's when the officer said, "No,
19 he's taking it, so give up the key." So I went
20 inside, got the key.
21 Q. Were you able to remove any of your personal
22 belongings from inside the car -- truck?
23 A. They only allowed me a few seconds to grab work
24 keys. That was about it. I mean, really he gave
25 us like a couple minutes to grab. Like I said, I

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1 and he backed up.
2 Q. Did any of the neighbors witness what was
3 occurring outside?
4 A. I don't think so.
5 Q. And were your children asleep in the house at that
6 time?
7 A. They were at first, but then my daughter, like I
8 said earlier, you know, when I -- you know, after
9 I got out there she heard, you know, stirring
10 around, so she got up.
11 And our driveway is here. Our living room is
12 here (demonstrating). There's a window, and she
13 was at the window asking, "Why are they going to
14 take the truck?" And we're just like, "Just go
15 back to bed." She had tears, you know, still
16 standing there, and we told her numerous times.
17 She had tears, crying, "Why are they taking the
18 truck?"
19 At that moment I walked up to the outside
20 screen where the driveway is and said, "Let us
21 handle it. Just go back. You know, it has
22 nothing to do with you."
23 Q. So she must have woken up while you were outside
24 and just came to the window?
25 A. Correct.

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1 grabbed my work keys and things I could think of
2 at that moment just to quickly grab.
3 Q. Did you observe anything else during the time that
4 the repossession was going on?
5 MR. HANNIBAL: Objection, form,
6 foundation. Go ahead and answer, Ray.
7 A. Not -- not really what I can recall at that time.
8 Q. Nothing else stands out in your mind?
9 A. No. I was just -- you know, I'm a very
10 down-to-earth person, laid back, and I was more --
11 I guess I should say more worried about neighbors
12 and this, you know, stuff like that, and keeping
13 my eye on my wife, you know, as far as, you know.
14 Q. Was your wife upset?
15 A. She was crying.
16 Q. Was she angry?
17 A. I wouldn't say angry; upset, like you said:
18 Q. Was there shouting or argument between her and the
19 repossession agent?
20 A. Just the bickering, general bickering back and
21 forth, but no real true elevated, you know,
22 screaming.
23 Q. No physical altercation between them?
24 A. No. Just, like I said, the agent was too close,
25 and I was like, "Back up." That's all I told him,

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1 Q. Did she go back to bed?
2 A. She went into her room but not back to bed.
3 Q. Did you talk about it with her later?
4 A. No, just -- well, I shouldn't say no. We just
5 told her we'll get it back.
6 Q. So the police said, "Step aside," and the truck
7 was repossessed?
8 A. Just, yep, give it up to them.
9 Q. What happened then? What happened next? Excuse
10 me.
11 A. We just -- like I say, after, you know, the cops
12 stayed around until he pulled away, and then they
13 just said, "Here's a case number," gave us a card,
14 you know, and we just basically went inside.
15 And, like I said, Heather wasn't thinking
16 straight, so she was going to call Santander but
17 realized it was way too early for them to even be
18 open. And then I don't know what time they
19 opened, 7, 8, whatever, our time, but like I said,
20 she called a second time to get ahold.
21 And I knew she was calling because she told
22 me she was calling, but then, like I said, my
23 mother and my niece were just showing up because
24 they were going to go to Milwaukee with us.
25 Q. So you didn't actually hear Heather's conversation

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1 because your mother and niece had showed up?
2 A. Correct.
3 Q. Did she tell you about the phone conversation
4 after she got done with it?
5 A. No, not a hundred percent really because we were
6 trying not to let that incident ruin our little
7 trip for the kids and stuff.
8 Q. Before she called Santander, did she tell you what
9 she was going to call them about and discuss?
10 A. Why they were -- what's going on, why -- you know,
11 why they were there to repo.
12 Q. Did she express to you that she was under the
13 belief that she was current on the payments?
14 A. That she expressed that she was up to date?
15 Q. Yeah, to you, not to the -- but to you.
16 A. Right. Okay. No, I don't -- I don't believe so.
17 Q. For example, you didn't ask her, "Hey, why did we
18 get repossessed?" And she didn't say, "I don't
19 know. I think we're up to date on the payments"
20 or --
21 A. No. I never -- just because, like I said,
22 everything -- it was a shock, surprised, and then
23 with family coming there, we tried not to let them
24 in on what's going on basically.
25 Q. So you didn't -- did you tell -- it was your

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1 well after 10.
2 Q. And did you stay overnight in Milwaukee? Was this
3 an overnight trip or just a day trip?
4 A. Yes, yes, we were planning on staying over to see
5 numerous things out there.
6 Q. And how did you guys get to Milwaukee?
7 A. Took the van.
8 Q. Took the minivan?
9 A. Yes.
10 Q. So it was you, your wife, your two children, and
11 then your mom and your niece?
12 A. Correct.
13 Q. Were you able to put the repo out of your mind and
14 enjoy the trip?
15 A. I did try to for the most part. I know Heather --
16 all I -- I was making phone calls trying -- I --
17 I -- I know a person, this one person, who is a
18 lawyer, and so I called, asked, you know, can they
19 just do this.
20 MR. HANNIBAL: Okay. Don't talk
21 about your conversations with the lawyer.
22 THE WITNESS: Okay.
23 Q. Why don't you just tell me what you did next while
24 you were on your trip. You were making phone
25 calls trying to get --

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1 mother and niece I believe you mentioned who
2 showed up?
3 A. Yeah.
4 Q. Did you tell them what just had happened that
5 morning?
6 A. They asked where the truck was, because my truck
7 can't fit in the garage, so they -- you know, at
8 that point I'm like -- I just said -- we just
9 said, "It got repo'd." And that's as far as we
10 went on that.
11 Q. That was it? There was no follow-up conversation?
12 A. Right, because I -- you know, all she said is,
13 "Just don't let it bother you," my mother did,
14 "Just try to, you know, have a good weekend."
15 But, you know, that was about as far as that went.
16 Q. So there was no discussion about the details of
17 the repo or the reasons for the repo. It was just
18 a statement, and then you guys moved on?
19 A. Correct.
20 Q. Did you end up taking your trip to Milwaukee?
21 A. Yes, we ended up taking it. We left several hours
22 after we wanted to get started, obviously.
23 Q. What time were you set to go? What time did you
24 plan to go?
25 A. We planned on trying to leave by 8, but it was

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1 A. I just made some general phone calls to ask
2 questions.
3 Q. Including to a friend who was a lawyer?
4 A. Well, not really a friend, just a --
5 Q. A lawyer you've used?
6 A. Well, I haven't used, just one of my -- I just
7 generally know him but not like a friend-friend.
8 Q. Did you call anybody else other than him?
9 A. No.
10 Q. What happened with the truck? Did you ever get it
11 back?
12 A. Yes.
13 Q. Tell me about that.
14 MR. HANNIBAL: Objection, form,
15 foundation. Go ahead and answer, Ray.
16 A. Just Heather must have got -- I guess it would be
17 an amount you had to pay and stuff, so we just got
18 the money and went and paid, you know, had to pay
19 it.
20 Q. When was that? Was it over the Memorial Day
21 weekend or was it --
22 A. Oh, God, no. It was, I would say, later that week
23 after Memorial Day.
24 Q. Do you know how much you had to pay?
25 A. I can't give exact amount. I can't totally

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1 remember. I know it was -- I know it was greater
2 than \$1,400. I know that for sure, but I can't --
3 Q. And that was the amount that the repossession
4 company required to release the truck?
5 A. For my knowledge, that's what Santander and the
6 repo communicated with, but, you know, I don't
7 know how the whole thing works.
8 Q. You didn't communicate with anybody directly.
9 This is just based on what Heather told you?
10 A. She told me the amount, and then I went and picked
11 it up.
12 Q. And did you also pay the amount when you got there
13 to release the car?
14 A. To the repossession, yes.
15 Q. Yeah.
16 A. I did.
17 Q. How did you pay? Cash? Check? Debit card?
18 A. Not a hundred percent sure, but I think cash.
19 Q. Is this cash that you had on hand or did you have
20 to borrow it from --
21 A. I borrowed it.
22 Q. Who did you borrow it from?
23 A. From a friend.
24 Q. What's your friend's name?
25 A. Brad.

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1 Q. What's his --
2 A. Miller.
3 Q. And did you pay Mr. Miller back?
4 A. Correct.
5 Q. Did you tell Mr. Miller the reason for borrowing
6 the money?
7 A. No.
8 Q. So you didn't tell him it was about to get your
9 car back. You just asked to borrow the money?
10 A. I just asked to borrow the money.
11 Q. Anything else you remember about the repossession?
12 A. (No audible response)
13 Q. What was the condition of your truck when you got
14 it back?
15 MR. HANNIBAL: Objection, form,
16 foundation. Go ahead, Ray.
17 A. Far as just any damages? I believe it was the
18 same.
19 Q. Has that truck ever been repossessed before this
20 Saturday over Memorial Day weekend?
21 A. I think with HSBC.
22 Q. It was repossessed once by HSBC?
23 A. Yes, I believe so.
24 Q. Was that prior to this Saturday, Memorial Day
25 weekend?

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1 A. Yes. It was before that.
2 Q. Do you remember when before that?
3 A. Not -- not really exactly.
4 Q. Was it a couple of months or a couple of years
5 prior to that?
6 A. I would be guessing maybe months. It wouldn't be
7 years. It would be months apart would be my
8 guess. I'm not a hundred percent sure.
9 Q. Were you present when the truck was repossessed
10 previously?
11 A. I was there. It was almost -- it was, like, the
12 same situation. I was there.
13 Q. They came to your house?
14 A. Yes. I mean, it was basically the same routine.
15 Q. They came with --
16 A. Right.
17 Q. -- some paperwork saying --
18 A. Right.
19 Q. -- "We have authority to take your car," and they
20 did?
21 A. Right, right. By the time we got outside, it
22 wasn't on a truck or nothing. It was just hooked
23 up.
24 Q. Are you sure that the time that your daughter
25 observed the repossession wasn't the prior

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1 repossession by HSBC versus the one involving
2 Santander?
3 A. I'm a hundred percent sure because I know it was
4 that weekend, and that day is in my mind just
5 because of the vaca -- you know, I shouldn't say
6 vacation, you know, our little trip.
7 Q. Did you ever -- strike that. Was the reason that
8 your truck was repossessed the prior time because
9 payments were outstanding?
10 A. I -- I really don't know. I don't do --
11 Q. You didn't handle the bills.
12 A. I don't handle the bills. I've never handled the
13 bills.
14 Q. So you don't know --
15 A. Why.
16 Q. -- the circumstances surrounding that one. You
17 obviously got your truck back in that situation.
18 A. Correct.
19 Q. Were you the one who went down and paid and
20 retrieved it? I'm talking about the first
21 repossession.
22 A. Right. I do believe that Heather and I were both
23 there that time.
24 Q. Has the truck been repossessed at all since this
25 Memorial Day weekend incident?

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1 A. No.
2 Q. How about the van, the minivan, has that ever been
3 repossessed?
4 A. No, but that day they were there, the Memorial Day
5 weekend day, the gentleman, they said -- he goes,
6 "We're going to come get your van."
7 Q. Oh, he said that?
8 A. Yes.
9 Q. Did he say that to you or Heather?
10 A. Just said it to us with the cops there. Said,
11 "We're coming to get the van." He just generally
12 looked in our direction.
13 Q. Anything else? Did you respond to that at all?
14 A. No, just -- not really, I mean, as far as, you
15 know, don't know if it's just verbal threat or --
16 you know, you don't know.
17 Q. Did Heather respond to that at all?
18 A. No.
19 Q. Did they come for the van at all?
20 A. Never to my knowledge or her knowledge, no. Well,
21 they never got it or came, so I don't know if they
22 tried to come and get it.
23 Q. The van was parked generally in your garage; is
24 that correct?
25 A. Sometimes, not all the time. Generally my truck

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1 MR. HANNIBAL: Objection, form,
2 foundation. Go ahead, Ray.
3 A. I don't -- I can't recall at the time any more
4 than what was already said.
5 Q. What affected your relationship with your wife
6 more, the telephone calls or the repossession over
7 Memorial Day weekend?
8 A. I don't really think there's a general area where
9 you could say one affected more than the other.
10 Q. So there's no way to attribute --
11 A. It's just all in one basket, you know, just all --
12 Q. And I asked whether or not the van had been
13 repossessed or attempted to be repossessed after
14 the Memorial Day weekend. Was it ever repossessed
15 prior to the Memorial Day weekend?
16 MR. HANNIBAL: Go ahead.
17 A. Was it ever taken?
18 Q. Yeah.
19 A. No.
20 Q. Was there ever an attempt to take the van before
21 the Memorial Day weekend repossession of the
22 truck?
23 MR. HANNIBAL: Now, objection,
24 form, foundation. Go ahead and answer, Ray.
25 A. I don't believe so.

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1 is the last in. We just have a single-lane
2 driveway.
3 Q. So do you know whether or not Santander or the
4 repossession agent ever tried to repossess the
5 van?
6 MR. HANNIBAL: Objection, form,
7 foundation, asked and answered. Go ahead,
8 Ray.
9 A. I don't -- I don't -- I don't know.
10 Q. You don't have any knowledge?
11 A. I don't have any -- I don't have any knowledge.
12 Q. We talked I think a fair amount a little while ago
13 about the ways in which you observed the effect of
14 either the calls or the repossession on your wife
15 and/or on your relationship.
16 Now that we're talking about the repo, is
17 there anything else in addition to what we've
18 already talked about that affected your wife or
19 your relationship from this repossession over the
20 Memorial Day weekend?
21 I think we've covered it all before, but if
22 not, I want you to tell me how --
23 A. Right.
24 Q. -- the repossession affected her or your
25 relationship.

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1 Q. I just wanted to make sure.
2 A. Right, right.
3 Q. I didn't know if I asked you pre. We're almost
4 done so -- who's Warren Olson?
5 A. That's my father-in-law.
6 Q. And Kathy Olson?
7 A. That's Heather's, I guess, step-mom.
8 Q. Do they know anything about any of the subjects
9 that we're talking about here today?
10 MR. HANNIBAL: Objection, form,
11 foundation.
12 A. I don't know if they do.
13 Q. Have you discussed these?
14 A. I haven't. I don't know, you know. I don't know
15 if I -- I haven't told anything.
16 Q. You haven't had any conversations with them
17 yourself about either the Santander calls or the
18 repossession or the problems between you and
19 Heather?
20 A. Correct.
21 Q. Okay. Do you know whether Heather spoke to them
22 about any of those issues?
23 A. I don't know.
24 Q. I'm going to run through the same questions with
25 some folks. Cindy Olson, who is she?

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1 A. Mother-in-law.
2 Q. Your mother-in-law?
3 A. Yes, Heather's mom.
4 Q. Did you have any conversations with Cindy Olson
5 regarding the calls, the repo, any problems for
6 Heather's emotional condition?
7 MR. HANNIBAL: Objection, form,
8 foundation. Go ahead and answer, Ray.
9 A. No, I have not.
10 Q. And do you know if they know anything about it
11 from somebody else?
12 A. I don't know.
13 Q. Any idea whether Heather spoke to her about it?
14 A. Not sure.
15 Q. Vicky Nelson?
16 A. That's my --
17 MR. HANNIBAL: Objection, form,
18 foundation. Go ahead and answer.
19 Q. Who is it?
20 A. My mother.
21 Q. And have you had any discussions with her about --
22 I can list them all or I can say these issues
23 about the calls, the repossession any of the
24 marriage problems or the emotional condition of
25 your wife?

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1 A. No, I do not.
2 Q. Do not know?
3 A. I don't know, yeah.
4 Q. Who is Andrea Sipek?
5 A. Heather's friend.
6 Q. Same questions. Did you have any discussions with
7 her about any of these issues?
8 A. I have not, no.
9 Q. Do you know whether Heather did?
10 A. Possibly, because they were friends and coworkers.
11 Q. Are you guessing?
12 A. I'm just assuming.
13 Q. You're assuming, okay. Heather, for example,
14 didn't ever tell you, "Yeah, I've confided in my
15 friend Andrea at work and told her about the
16 situation," nothing like that?
17 A. Right. I should -- she never personally told me.
18 Like I said, I'm just assuming because I know they
19 were coworkers and good friends at the time, and
20 all I know -- like I said, all I know is I know
21 she had calls to work, so that's I know how Andrea
22 knows.
23 Q. Heather had calls to work?
24 A. Had received phone calls.
25 Q. And how do you know Heather received phone calls

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1 A. The calls, no; marriage, no. She knew obviously
2 about the repossession.
3 Q. Do you know whether your wife spoke to her about
4 any of those issues other than the repo that we're
5 talking about?
6 A. No, I don't know.
7 Q. How about Virginia Nelson?
8 A. That's my --
9 Q. Who is Virginia Nelson?
10 A. My sister.
11 Q. Did you speak to her about any of these issues?
12 A. No.
13 Q. Do you know if Heather did?
14 A. No.
15 Q. No, you don't know?
16 A. I don't know, sorry.
17 Q. And who is Nicole Badgley?
18 A. That is one of Heather's friends.
19 Q. Do you know where she lives?
20 A. No, I do not.
21 Q. Did you ever talk to her about any of these
22 issues?
23 A. No.
24 Q. Do you know whether Heather discussed any of these
25 issues with her?

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1 at work?
2 A. She has mentioned that to me. Heather has
3 mentioned that to me.
4 Q. Do you know how many phone calls she received at
5 work?
6 A. No, I do not.
7 Q. Would she answer those phone calls at work or
8 just --
9 A. I -- I don't know. I'm not there.
10 Q. Who is Diane Burling?
11 A. Excuse me?
12 Q. Diane Burling. Do you know who that is?
13 A. Oh, coworker of Heather's.
14 Q. Oh, Heather's coworker, and coworker where; do you
15 know?
16 A. I believe Care Wisconsin.
17 Q. And, I'm sorry, to back up, Andrea Sipek, she was
18 a coworker. Where was she a worker at?
19 A. At Care Wisconsin as well.
20 Q. Care Wisconsin. Did you have any conversations
21 with Diane Burling regarding any of these issues?
22 A. No. I only met her once.
23 Q. Did you have any knowledge that Heather had
24 discussions with her about any of these issues?
25 A. I have no knowledge of it.

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1 Q. Who is Robin Brennan?
2 A. Coworker at the same facility.
3 Q. Another coworker. Okay. Same questions. Did you
4 have any conversations with her regarding any of
5 these issues?
6 A. No.
7 Q. Do you know, as you sit here today, whether
8 Heather had any conversations with her?
9 A. No, I do not.
10 Q. Georgia Wheelock, do you know who that is?
11 A. A coworker of Heather's, and that one I don't
12 know. I know it's just a coworker. I don't know
13 place.
14 Q. Don't know where. Did you have any conversations
15 with Ms. Wheelock?
16 A. No.
17 Q. Do you have any knowledge of whether Heather had
18 any conversations with her regarding any of these
19 issues?
20 A. No, I do not.
21 Q. Who's Len Waddell? Do you know who Len Waddell
22 is?
23 A. Yes.
24 Q. Who is he?
25 A. The lawyer.

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1 issues?
2 A. No.
3 Q. Do you know whether Heather did?
4 A. I believe not.
5 Q. Do you know what kind of cell phone Heather has or
6 had at this time in -- well, strike that. What
7 kind of cell phone does Heather have; do you know?
8 A. Like flip phones, Smartphone?
9 Q. Yeah, right.
10 A. Now or at the time?
11 Q. I'll ask at the time, if you remember, and at the
12 time being the time of these telephone calls from
13 Santander.
14 A. I think it was like one of those -- kind of like a
15 cell phone but not, you know, when they're using
16 the -- Verizon had their little data -- it's their
17 own little data sites you could do.
18 I don't think it was like a true Smartphone
19 at the time. It was more or less when they first
20 started rolling out. Some of them, they weren't
21 like a true-true Smartphone like they are now.
22 Q. Did you and Heather have the same model or type of
23 cell phone?
24 A. I don't know at that point. I know since we've
25 been Verizon we've had one of the same, but I'm --

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1 Q. That was the lawyer that you referenced calling?
2 A. Correct.
3 Q. Other than the phone call or phone calls you made
4 to Len around the time of the repossession --
5 could we go off the record for one second?
6 (Discussion off the record)
7 Q. Other than the telephone call or calls you made to
8 Mr. Waddell around the time the repossession over
9 Memorial Day weekend, did you have any other
10 conversations with him?
11 A. I did not. I know Heather has, but I don't know
12 what they did.
13 Q. That's fine. And who is Brad Miller?
14 A. That is a friend I borrowed money from.
15 Q. Personal friend?
16 A. Yes.
17 Q. How long have you known Mr. Miller?
18 A. About eight years, nine years.
19 Q. Did you guys -- were you coworkers or --
20 A. No.
21 Q. -- high school friends or --
22 A. No.
23 Q. Other than asking Mr. Miller to borrow some money
24 like we talked about earlier, did you have any
25 discussions with him regarding any of these

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1 I don't know when exactly.
2 Q. Do you know whether or not Heather's cell phone at
3 the time that the calls were coming from Santander
4 had the ability to be put onto a silent mode?
5 A. I believe -- I think like the ones -- I think you
6 just hit the power button, and it will silence the
7 call, I would guess, yes.
8 Q. So you don't know?
9 A. Right. I can't remember honestly back -- I would
10 assume.
11 Q. Mr. Nelson, have you maintained a P.O. box at all?
12 A. Do I?
13 Q. Yes.
14 A. No.
15 Q. Does your wife?
16 A. No.
17 Q. Do you know where Marshall, Wisconsin is?
18 A. Yes.
19 Q. How far is that from here?
20 A. From here?
21 Q. Approximately or -- strike that. How far is that
22 from your home?
23 A. Maybe 15 minutes, ten minutes.
24 Q. And you've never maintained or paid for a P.O. box
25 in Marshall?

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1 A. No.
2 Q. To your knowledge, has your wife?
3 A. I don't -- to my knowledge, I don't think so.
4 Q. Have you ever been convicted of a crime?
5 A. No.
6 Q. Have you ever been arrested or accused of a crime
7 involving fraud or dishonesty?
8 A. No.
9 MR. O'MEARA: Just take a quick
10 break. I think I'm probably done.
11 (A short break is taken)
12 MR. O'MEARA: I'm done.
13 MR. HANNIBAL: We have no
14 questions.
15 (Adjourned at 12:59 p.m.)
16
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1 STATE OF WISCONSIN }
2 COUNTY OF DANE } ss.
3 I, LYNN SCHULTZ, a Registered Professional Reporter
4 and Notary Public in and for the State of Wisconsin, do
5 hereby certify that the foregoing deposition was taken
6 before me at the offices of Verbatim Reporting, Limited,
7 Two East Mifflin Street, Suite 102, City of Madison,
8 County of Dane, and State of Wisconsin, on the 12th day
9 of April, 2013; that it was taken at the request of the
10 Defendants, upon verbal interrogatories; that it was
11 taken in shorthand by me, a competent court reporter and
12 disinterested person, approved by all parties in
13 interest and thereafter converted to typewriting using
14 computer-aided transcription; that said deposition is a
15 true record of the deponent's testimony; that the
16 appearances were as shown on Page 3 of the deposition;
17 that the deposition was taken pursuant to subpoena; that
18 said RAYMOND NELSON, before examination, was sworn by me
19 to testify the truth, the whole truth, and nothing but
20 the truth relative to said cause.

21 Dated April 19, 2013.

22
23 Registered Professional Reporter
24 Notary Public, State of Wisconsin
25

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